नये रजिस्टर में 4834 पर यही पुस्तक लगी है

जबकि पुराने में 4834 पर

"श्री स्तोत्र चिंतामणि स्तवन लगी है"?

JAINA
MONASTIC JURISPRUDENCE

by

SHANTARAM BHALCHANDRA DEO

JAINA CULTURAL RESEARCH SOCIETY
BANARAS 5 (INDIA)
1960.

JAINA MONASTIC JURISPRUDENCE

being a course of three lectures delivered before

THE JAINA CULTURAL RESEARCH SOCIETY

(BANARAS)

on 9*th*, 10*th* & 11*th Nov.* 1959

by

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The following lectures were the outcome of the suggestions by Dr. H. D. SANKALIA, Dr. V. S. AGRAWAL and Shri Dalsukhbhai MALWANIA. It was because of their encouragement and goodwill that I thought of presenting the material on Jaina monastic jurisprudence in a more homogeneous and compact form.

I am quite conscious of the fact that the core of these lectures is embedded in my '*History of Jaina Monachism from Inscriptions and Literature*'. Yet the readers will readily agree that the information is systematised and augmented. This forms the nucleus of the complete subject-wise codification of the rules of Jaina monastic conduct, the transgressions and the punishments, which is already under preparation.

Grateful thanks are due to Drs. S. M. KATRE and A. M. GHATAGE and Shri G. B. PANSE for valuable suggestions.

20, May '60,
Deccan College,
Poona 6.

S. B. DEO.

To

DR. H. D. SANKALIA

for his manifold courtesies

PREFACE

Though engaged in various activities Dr. S. B. Deo was kind enough to spare some time to come to Banaras and deliver three lectures on 'Jain Monastic Jurisprudence' on the invitation of Jain Cultural Research Society. These lectures were delivered in the College of Indology, Banaras Hindu University, under the chairmanship of Dr. V. S. Agrawala on the 9th, 10th and 11th November, 1959. I have great pleasure in publishing these lectures so soon, and for that I have to thank Dr. Deo for his hearty co-operation. I have also to thank Dr. V. S. Agrawala for his kindly consenting to preside over the lectures. I am very much grateful to Dr. R. B. Pandey, Principal, College of Indology, who gave us all the facilities for the lectures in the College of Indology.

DALSUKH MALVANIA,
Secretary,
Jain Cultural Research Society.

Ahmedabad,
28-4-1960.

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THE BACKGROUND TO MONASTIC JURISPRUDENCE

I

Preamble

I am indeed grateful to you for the honour you have done me in inviting me to place before such a distinguished gathering my views regarding Jaina monastic jurisprudence. I am quite conscious of the fact that I happen to be as yet a novice in the field of Jainology when compared to the stalwarts in the field. I would, however, not offer an apology on that account. On the contrary, taking inspiration from the work of the giants in the field, I would try to follow their footsteps with youthful confidence.

II

Survey of Jaina Research

You are all aware that the days when Jainism was taken to be an offshoot of Brahmanism are a thing of the past — and rightly so. For in recent years, especially during the last fifty years, immense literature pertaining to Jainology has been brought to light. However, the first gleanings of Jainism in English came as early as 1809 when Col. MACKENZIE gave us *"The Account of the Jainas"*. This was followed by a couple of others which, however, do not deserve any serious notice at all. It took nearly three quarters of a century after MACKENZIE, when BÜHLER gave us his masterly presentation of *"Indische Sekte der Jainas"* in 1887. This seems to have opened up a new interest in Jaina studies and in the following decade or so critical editions of the canonical texts of the Jaina Śvetāmbara *Āgama* were brought out.

The opening up of the present century saw the development of scholarly interest in Jainology among foreign

and Indian scholars. The researches were more homogeneous and planned rather than sporadic. Unlike the early attempts of the previous century as evidenced by the edition of *Kalpasūtra* by STEVENSON (1848), the fragments of the *Bhagavatī* by WEBER (1886) and the German rendering of the *Abhidhāna-Cintāmaṇi* by BÖTHLINGK (1847), the publications during our present century appear to be more copious and systematic. Save for the biased account by Mrs. STEVENSON (1915) who could not find and understand the heart of Jainism, the other works pertaining to Jainology were masterly, the most brilliant amongst them being "*Die Lehre der Jainas*" by SCHUBRING (1935).

The above account need not be taken to emphasize that work pertaining to Jainism was solely restricted to foreign scholars only. Side by side, in India itself a galaxy of scholars contributed to the study of Jainism. For along with JACOBI, HERTEL, HOERNLE, SCHUBRING, GLASENAPP, GUERINOT, ALSDORF, LEUMANN, WEBER, BASHAM, and CHARPENTIER, Dr. UPADHYE, P. L. VAIDYA, Muni JINAVIJAYA, Pt. SUKHALALJI, K. P. JAIN, Prof. KAPADIA, Dr. Hiralal JAIN, Pt. Nathu Ram PREMI — to mention only a few amongst the many — have been solely responsible for making available to the world of scholars a mine of information regarding Jainism. Institutions like the Āgamodaya Samiti, the Mānikchandra Digambara Jaina Granthamālā, the Devendrakīrti Granthamālā, the Singhi Jaina Granthamālā, and others have been helpful in sponsoring critical editions of several Jaina texts, and thus have rightly earned the gratitude of scholars.

Besides the texts and treatises, several *paṭṭāvalis* and thousands of epigraphs have been brought to light during the last fifty years, as a result of which the picture of the economic, religious, social and cultural development of Jainism is emerging in clearer form. It is needless to list the persons and the institutions who have been responsible for this, for these are well-known.

Jainism offers a rich field for new research in yet one

more field; and that is the vast mass of manuscripts which lie deposited in scores of Jaina Bhāṇḍāras of all sects. I had the privilege of visiting quite a few of these and I was amazed at this sealed wealth. The Bhāṇḍāra has been a peculiar institution of signal importance. It is really remarkable how several of these have been fed and fostered with devotion and understanding by the Jaina laity.

III

The Canon

The foregoing summary would at once convince one of the immense work that has been done and the much more that yet remains to be done. However, that which has been done is helpful, if not enough, in studying the Jaina monastic institution, its day to day working and the rules and discipline that governed such daily routine, which forms the topic of these lectures.

In the light of this theme it will at once be agreed that the sole basis for the building up of the structure of Jaina monastic jurisprudence is the canon as acknowledged by the Śvetāmbaras and the *Aṅgas, Aṅgabhāhyas* and *Anuyogas* of the Digambaras.

Before entering into a detailed discussion of the sources for Jaina monastic jurisprudence — both of the Śvetāmbaras and the Digambaras — it would be worthwhile to note a few points regarding the canonical texts, their development and nature.

It is needless to go into the controversy regarding the canon. It is well-known that the Digambaras do not acknowledge the texts of the canon as approved by the Śvetāmbaras. As is well-known the story of the canon of the Śvetāmbaras is the story of redactions, collections and loss. The Council of Pāṭaliputra of Mauryan times, another of Mathurā of about the 4th Century A.D. and those at Valabhī of the 5th and 6th Century A.D. were responsible for the collection and redaction of the canonical texts. It is not unnatural if during such a long period

some texts, especially the *Puvvas* were lost for good. From a historical point of view, it is not possible to say what texts formed the canon at the Pāṭaliputra Council and what was the final form at the Valabhī Council. Thus a historical treatment of the development of the canon is not practicable. This hampers a great deal in studying the various facets, including that of monastic jurisprudence, of Jainism. What remains ultimately, in a broad sense, is the picture of Jainism upto the 6th century A.D. and that succeeding it.

Yet one more factor may be noted regarding the Śvetāmbara canon. Apart from the story of various councils and redactions, the number of texts to be included in the *Āgama* has been a matter of fluctuations. Whereas the standard list comprises forty-six texts grouped into *aṅgas, uvaṅgas, paiṇṇas cheyasuttas, mūlasuttas* and two miscellaneous texts, some scholars give a list of as many as eighty-six texts comprising the canon. (KAPADIA, *Canonical Lit. of the Jainas*, p. 58.) Thus, lack of disciplined historicity and precision of number prove a major stumbling block in dealing with the development of Jaina monastic jurisprudence, the laws of which are solely and basically incorporated in the canonical texts.

Well, this is the nature of the evidence coming from the Śvetāmbara sources. As for the Digambaras, as noted before, they disown the canon as enunciated by the Śvetāmbaras, and advocate the view that the canon was lost. It is irrelevant for us here to discuss the stories and circumstances connected with this matter; moreover they are well-known. The Digambaras, on the other hand, advocate a canon comprising *aṅgas, aṅgabāhiras, aṇuyogas,* the last being divided into four subdivisions. It may be pointed out that the texts incorporated into these groups cover a wide range of period. For instance, the first category e.g. the *aṅgas* contain some texts which are akin to those of the Śvetāmbaras, as for instance, the *Nāyādhammakahāo*. The second group comprises texts like *Dasaveyāliya, Uttarajjhyayaṇa* and *Kappa-vavahāra* whose names are fami-

liar in the Śvetāmbara canon, though their grouping is different. The third group of *aṇuyogas* contains texts belonging to scholars like Kundakunda (1st century A.D.), Umāsvātī, Vaṭṭakera and Samantabhadra (8th century A.D.). It will at once be realised that the Digambara canon comprises texts of widely different periods, though it is not possible to assign each and every text in it to a definite date.

The upshot of the whole matter may be summarized now. We have seen that the canon of the Śvetāmbaras was finally redacted at the second council of Valabhī in about the 6th century A.D. We have also seen that the Digambaras disown this canon and instead propose a list of texts grouped under different categories. Even then, some of the names of the texts of the canon of both agree. Moreover, the contents of some, e.g. *Mūlācāra* and *Dasaveyāliya* agree in some cases *ad verbum.* The *aṅgas* are held in high esteem by both. Many of the details of monastic life and jurisprudence — as will be seen later on — tally well in the texts of the Digambaras and the Śvetāmbaras. And lastly, several of the authors like Umāsvātī, Siddhasena Divākara, and others who have contributed to the making up of Jaina literature, are respected by both these sects.

These, in short, are the salient features of the nature of evidence at hand for the proper understanding of Jaina monastic jurisprudence. The very points of similarity, as noted above, do not imply a wide divergence in the nature of material for the study of jurisprudence. It would thus be possible to study monastic jurisprudence of the Jainas as a whole without any sectarian approach. The following pages, therefore, attempt to present the overall picture of the working of the internal organizational discipline of Jaina monachism. The picture that will emerge is hoped to be completely non-sectarian and unbiased. The author is fully conscious of the fact that the texts available to him were mainly of the Śvetāmbara group. Yet the details available have been checked from the Digambara texts as

well, and wherever differences occur, they have been stated as dispassionately as possible. I stand before you, not as a judge, but as one who believes in paying homage to Jainism through its dispassionate study.

IV

Jurisprudence: source texts for it

Having seen the nature of the canon and after expressing the nature of our approach, let us now take a review of the actual texts that contribute most of the material for the study of Jaina monastic jurisprudence.

As has already been noted, the canonical texts form the core of the material for the study of Jaina jurisprudence. Yet all the texts are not useful for this purpose. For our purpose the most invaluable group of texts is that which goes under the name of the '*cheyasuttas*' of the Śvetāmbara Jaina canon and those grouped under '*caraṇānuyoga*' by the Digambaras.

As is well-known, the *cheyasuttas* comprise six texts as follows:

(1) *Nisīhasutta*
(2) *Mahāṇisīha sutta*
(3) *Vavahāra sutta*
(4) *Dasāsuyakkhandha* (or *Āyāradasāo*)
(5) *Kappasutta* (or *Bṛhatkalpa*), and
(6) *Pañcakappa* (or *Jīyakappa*).

Of these six, the *Dasā*, *Kappa* and *Vavahāra* seem to be closely related to one another in matter and treatment. They deal with various transgressions and the punishments prescribed for these, in a very summary fashion. These texts by themselves do not give any other background leading to the formulation of the code of discipline. Neither do they give any information as to the procedure of implementing a punishment against a transgressor. For these details we have to depend solely on the *cuṇṇis* and *bhāsas* going with these which furnish us with

the actual working of monastic jurisprudence in Jaina church.

Another point worth notice regarding these texts is that their date is uncertain. Though the tradition holds that Bhadrabāhu, the sixth pontiff after Lord Mahāvīra, was responsible for the editing of these three texts on the basis of the information given in the ninth *Puvva* (*Ṛṣimaṇḍalastotra*, 166), the evidence is inconclusive, for we do not know what items contributed to make the ninth *Puvva*. Moreover, it is well-known that there were more that one Bhadrabāhu known to the Jaina church history. However, as the case stands, we are not in a position to look beyond the tradition in which case we have to assign these texts to 4th/3rd century B.C. as this particular Bhadrabāhu is said to have flourished a couple of centuries after Mahāvīra, — the exact date of his death being 170 years after the Nirvāṇa of Mahāvīra.

The date of *Nisīhasutta* is again a problem and it is not possible to be dogmatic about it. However, there is a remarkable similarity between this text and the *Vavahāra sutta* as to the forms of punishment and the categories of transgressions. Emphasizing the similarity between *Nisīha* and the *Cūlās* of *Āyāraṅgasutta*, WINTERNITZ opines that both these texts probably had a common source of origin. (WINTERNITZ, *HIL*, pp. 464-65).

As to the *Mahāṇisīha*, we are on still more unstable grounds. The nature of the language and the mention of Tantric practices and non-canonical texts in this work are perplexing. On the strength of these points, WINTERNITZ puts it to a period later than that of *Piṇḍa* and *Oha-Nijjuttis* and goes to the extent of questioning its position as a text of the canon.

One point regarding *Dasāsuyakhhandha* referred to above, may be worthwhile mention. Here in this text is a portion designated as the '*sāmāyārī*' dealing with the rules of rain-retreat etc. This has been attributed to Bhadrabāhu. Yet when we find references to persons and church units posterior to Bhadrabāhu, we have to conclude

that only the portion of '*sāmāyārī*' might be attributed to Bhadrabāhu, while the rest may be a later addition.

Pañcakappa is not extant now. So nothing can be said about it. The *Jīyakappa* which replaces it has been attributed to Jinabhadra who is said to have flourished in about the 6th century A.D. or a little prior to that. (*Information kindly supplied by* Dr. UPADHYE). It is thus clear that *Jīyakappa* cannot be equated with other texts in chronology.

Even though basically most of the information regarding monastic jurisprudence can be culled from these texts, it does not mean that these are the sole repositories of such information. For instance, the *Thāṇaṅgasutta* also mentions various *pāyachhittas* and some transgressions. The *Piṇḍa-* and the *Oha-Nijjuttis,* which are sometime grouped with the *cheyasuttas,* give abundant information regarding daily monastic life and the transgressions connected with the requisites of a monk, whereas the rules governing the formation of a unit of monks called the *Gaccha* and the working of it are incorporated in the *Gacchāyāra Paiṇṇaya.*

Besides these texts of the canon itself, the commentarial literature is of immense help in the study of Jaina monastic jurisprudence. For instance the *cuṇṇis* and the *bhāsas* provide the details about the formulation of rules of monastic conduct, their working, the exceptions, and the actual process of the enactment of procedure of dealing with a transgressor, so on and so forth. In this regard the *Nisīhacuṇṇi*, the *Bṛihatkalpa-bhāsya-sūtra* and the *Jīyakappa* and its commentary prove to be invaluable. These commentaries are so indispensable that without these it is not possible to go to the core of the working of monastic jurisprudence. Besides providing information in amplification of the rules of monastic discipline, these texts give stories and incidents which throw a great deal of light on the then existing social conditions under which the Jaina monk had to live and preserve the purity of monastic standards.

This much about the Śvetāmbara texts. Coming to

the Digambara texts, we have to depend chiefly on the texts grouped under the head '*caraṇānuyoga*'. Of these, the *Mūlācāra* of Vaṭṭakera belonging to about the beginning of the Christian era is invaluable as it gives many details of monastic life and the *prāyaścittas*.

Before entering into the details of monastic jurisprudence, it may be worthwhile to summarize the main characteristics of the nature of evidence for the study of the subject. We have already seen that the texts contributing to such a study cover a very wide period. We have, therefore, to present the picture of Jaina monachism as a whole rather than treat it on historical principle. Besides this aspect, some texts are such that they incorporate sometimes older and later strata of contents which make the historical treatment practically impossible unless critically edited editions are forthcoming.

Secondly, as will be further amplified later on, the Digambara and Śvetāmbara texts do not differ much in the treatment and working of monastic jurisprudence. For instance, the list of *prāyaścittas* is more or less the same, save two changes. The Digambaras have '*parihāra*' and '*saddhāṇa*' replacing '*aṇavaṭṭhappā*' and '*pārañciya*' as given in the Śvetāmbara *Cheyasuttas*. The rest of the details do not basically differ.

Well, we have so far seen very briskly the history of research in Jainology, the nature and controversy regarding the canon and lastly the nature of the source-texts for the study of Jaina monastic jurisprudence. The survey has been very brief, as we have yet to cover the major field that lies ahead of us.

V

The Spirit of Monastic Rules

We have now to see how the rules of monastic conduct were formulated, their basic conceptions and the features and considerations that underlay the making up of such

rules. These rules are numerous and cover so many details for which the Jainas seem to have a peculiar flair.

The rules, as remarked above, are numerous indeed. They pertain to initiation, confirmation, church units, relations with the laity, nuns, those who belonged to other sects, touring and residence, begging of food, donors, study, clothing and nudity, requisites like *pīḍha-phalaga-sejjā-saṁthāraga*, rules regarding daily routine, study or *sajjhāya*, penance, fasting and bodily mortification, death and death-rites and moral discipline.

It is not the purpose of these lectures to detail out here all the rules. I would request the persons interested to refer to my book "*History of Jaina Monachism*" for the details of such rules. Here we are concerned with the basic considerations that were taken into consideration in the framing of these.

A survey of Jaina monachism would reveal that all the rules of monastic conduct seem to originate from the five great vows (*pañca mahavvayas*) that were expected of every Jaina monk. The five great vows are *ahiṁsā* (*savvāo pāṇāivāyāo veramaṇaṁ*), *sacca* (*savvāo musāvāyāo veramaṇaṁ*), *asteya* (*savvāo adiṇṇādāṇao veramaṇaṁ*), *apariggaha* (*savvāo pariggahāo veramaṇaṁ*) and *baṁbhacera* (*savvāo mehuṇāo veramaṇaṁ*). These form the basis of every field of Jaina monastic conduct. Even the sixth vow, as given in the *Dasaveyāliya* and consisting of the abstinence from taking food at night (*savvāo rāibhoyaṇāo veramaṇaṁ*) is apparently the corollary of the first vow.

These five vows were to be followed in the thrice threefold way, inasmuch as, the monk was not to transgress these himself, or make some other to transgress these or consent to somebody else transgressing these, either mentally (*maṇeṇa*), vocally (*vāeṇa*) or bodily (*kāena*). Thus the following of these basic vows which comprised the whole fabric of Jaina monastic life led to the flowering up of numerous rules and conventions which have survived to this day.

As remarked above, these numerous rules and regulations arose out of the necessity of the proper following of these great vows. And yet the network of the mass of rules based on these basic vows arose also out of the considerations of human psychology and its adjustment to environment. It may not be an exaggeration to say that those who framed the rules of monastic conduct were keen observers of the working of human mind in relation to the society at large. Accordingly, the rules were so framed as to preserve the utmost sanctity and purity of monk-life without grossly violating the existing social etiquettes. It will not be out of place here to amplify the statement. Take for instance the famous forty-six faults to be avoided by a monk in the course of his begging round. The *Piṇḍa* and the *Oha-Nijjuttis* furnish us with most convincing episodes that lay at the back of these elaborate rules.

Take for instance, the fault pertaining to *'chaḍḍiya'* which disallows a monk to accept food which has been so carelessly served that some portion of it falls on the ground. Apart from the hygienic point of view, the makers of this rule seem to foresee a lot of circumstances which might lead a monk into trouble. The story is told of a Jaina monk called Dharmaghoṣa who refused to accept alms at the house of a minister Vārattaka whose wife came out in such a way that part of the food to be offered as alms fell on the ground. Naturally Dharmaghoṣa did not accept such alms much to the surprise of the minister who was watching from a distance. He remained where he was and decided to see what would happen further.

Within a short time, flies settled on the drop of soup. The flies were attacked by spiders who in turn were subjected to an onslaught by the chameleons. Soon the cats attacked the latter, while the dogs fell upon the cats. Out of the fight between the dogs arose the quarrel between their owners which finally led to great excitement! To many of us the contents of the story may appear far-fetched and artificial, yet the spirit of it is really remarkable. The monk is to foresee things and extricate himself

from such worldly bickerings. (*Piṇḍaṇijutti*, 623-25).

Another instance can be had in the formation of the rule which forbids a monk to accept food from the daughter of his maternal uncle. On the face of it one might wonder why this rule was enforced. But the commentator rightly points out that the violation of this rule might lead to the affinity between the monk and the cousin sister which may irritate the husband of the lady. The rule becomes significant when we take into consideration the fact that the daughter of the maternal uncle often married her cousin brother. In view of this, the husband of the lady might suspect intimacy between the monk-brother and his wife which might also lead to trouble for all. Here is, therefore, an excellent example of the formulation of monastic rules in consonance with social practices. It would thus be clear that though purity — mental and physical — was at the basis of monastic rules, other factors also were taken due cognisance of.

Such illustrations can be had even in other facets of monastic life. Take for instance the rules regarding study. The *Uttarājjhayaṇa* (XXVI, 12) clearly states that the first and the fourth *porisi* of the day should be utilized for study by the monk. Yet in abnormal circumstances study was not to be done. For instance, phenomena like the fall of meteors (*ukkāvāya*), thunder of supernatural beings in the sky (*nigghate*), the appearance of goblins in the sky (*jakkhālitte*), eclipses of the moon and the sun (*caṇḍovarāte, surovarāte*) — all of these being occasions of ill-omen in the mind of the people at large, were unfit for study. Besides this, some occasions which involved political tension like the death of a king or a prominent person (*rāyavugghahe*) also were deemed unfit for study. (*Thāṇanga*, p. 476b; *Āyār.* II, 1, 3, 9: pp. 96-97; *Nis.* XIX, 8-12). The considerations behind these were both psychological and political, if one may be allowed to infer. Psychological in the sense that such times are abnormal and are associated with excitement and tension which are not conducive to concentration in study. Secondly, if people see monks

engaged in study at such a time, they were likely to take it as a sign of indifference towards the deceased personality, which was likely to arouse their frenzy. These rules, therefore, reveal a knowledge of social psychology coupled with the needs of monastic life.

Similar was the case regarding the selection of a proper residence. Apart from the non-acceptance of notorious places, the reasons for which are based on commonsense, the Jaina texts hold that too much extensive or too small a residence was not to be accepted by a monk. An extensive lodging was normally the resort of indifferent elements in the society like guards, beggars (*kārpaṭika*) and unmarried males and females (*vaṇṭha*). The very presence of such people was likely to disturb a monk in his daily routine of study as also his answering the normal calls of nature for which he would have to go to a distant place which might lead to *hiṁsā*. If he suppressed such calls, then he was likely to fall ill. Then at night, if he tried to find out his own place or his requisites and in doing so happened to touch the bodies of other persons mentioned above, these were likely to take him to be an eunuch or a thief or a person having an appointment with his beloved. This would definitely lead to trouble. Moreover, if the monk happened to be healthy, he was likely to be kidnapped by women and eunuchs, in which case it was not possible for him to get help. (*Oha.N*. 217-24). On the other hand, too small a residence left meagre space for moving about which was likely to lead to quarrel by others and breaking up of requisites. Such rules, therefore, display the deep foresight in judging the possibilities, in knowing the nature of the bad elements in the society and last but not the least the utmost precaution in maintaining the puritanic rigour of monastic life.

Besides the purely ethical basis of the structure of Jaina monastic rules, other considerations were also there. For instance, take the normal rule of not initiating a boy under eight. This is found in the *Thāṇaṅgasutta* (p. 164b). However, by the time of *Nisīhacuṇṇi* we find that six types

of children could be initiated.

उवसंते वि महाकुले णातीवग्गे वि मण्णि सेज्जतरे ।
अज्जा कारणजाते, अणुणाता बालपव्वज्जा ॥३५३॥

—निसीहचुण्णि

For our discussion here, two categories are worth notice. First is that of *'kāraṇajāta'*. In explanation of this, the commentary says:

'कारणजाते' त्ति कुल-गण-संघकज्जे अन्नम्मि वा गच्छादिते कज्जे 'सचिवो' मंती, सो भणेज्जा — "अहं वो तुज्झं अिम कज्ज करेमि, जअि मे अिमं बालं अलक्खण मूलणक्खत्तियं वा पव्वावेह," ताहे पव्वावेज..। (तृतीयो विभाग:, पृ. २३६).

Here is, therefore, a clear instance of the practical foresight of the Jaina church, so characteristic of its later stage of development. If, therefore, the church or the *gaṇa* or the *saṁgha* was likely to be benefited by such an initiation, then, there was found to be no harm in allowing entry to such a child which normally could not be permitted. Similar was the case regarding an eunuch who was not normally to be initiated. But if he were to be in the good books of a king or was one who was an expert physician or able to manage the well-being of the *gaccha* in cases of royal disfavour, then such an eunuch could be allowed entry to the fold. (*Bṛhatkalpa bhāṣya* V, 5173-74.) In these cases it is fairly apparent that the church took quite a practical view of the situation and avoided to incur the displeasure of the royal power. On the other hand, refusal to initiate a person who has been inimical to the king (*rāyāvagārī*) or one who is a *dāsa* (*Nisīhacuṇṇi*, Vol. III, pp. 261-64) shows in the case of the former, avoidance of royal trouble and the disengagement from political affairs, and in the case of the latter the failure of the church to violate the bonds of slavery current in the society.

On the other hand, the liberal humanitarian and reasonable attitude of the church in the formulation of rules

and their exceptions is evidenced in the case of the child of a raped nun. Such a nun was kept in the monastery, was well looked after, was fed by co-nuns and when well-advanced in pregnancy was handed over to a devoted layman. All her duties as a nun were suspended till her child sucked her; even her child could be initiated. The most remarkable aspect was that those who teased or condemned her were compelled to undergo expiatory punishment. (*Bṛh.kalp.bhā.*, 4129-46). For this liberalism and sense of realism, the masters of the organization deserve praise.

VI

Meaning of Transgressions and Exceptions

From the discussion of the structure of monastic rules, their basic ethics, the principles underlying their formulations and the deviations from these, it will be clear that the rules of monastic conduct of the Jainas were formulated as a blending of monastic purity as a major part with the reading of and adjustment with social etiquettes and traditions. Thus though in a major part, they were quite rigid, yet they could be elastic as well.

The question arises as to how the exceptions are to be interpreted and under what circumstances are they to be resorted to ? Simultaneously we have to make clear the difference between a transgression (*aiyāra*) and the practice of exception (*apavāya*). It will be readily accepted that it would be incorrect to resort to '*apavāya*' often, as also not to resort to it under any circumstances. Extremes in both are wrong. The real danger lies here. A lax monk would like to resort to exceptions often, whereas a die-hard puritan would go to the extent of accepting death rather than resort to exceptions. What is needed is the relative evaluation of the circumstances under which one happens to be, and the clear-cut understanding of the acceptance or non-acceptance of the exceptions to a general rule.

Upadhyāya AMARA MUNI in his Hindi preface to *Nisīhasutta* has dealt with this problem in a masterly way. The gist of it being relevant to our problem may be summarized for the proper understanding of the rules of Jaina monastic jurisprudence.

First and the foremost point is that a person not well-versed in monastic conduct (*agīyattha*) has no right to decide whether a particular behaviour or reaction to circumstances can be adopted as an exception or '*apavāda*'. The decision as to the judging of an exception to a rule and the consequences related to it were the sole responsibility of a senior who was well-versed and experienced (*gīyattha*). This practice thus checked the tendency of a lax monk to resort to exceptions for his own convenience.

Secondly, even in the case of well-behaved monks, resort to exceptions was favoured in abnormal circumstances, for if otherwise he died, no question remained about self-control.

सव्वत्थ सजमं, संजमाओ अप्पाणमेव रक्खिज्जा ।
मुच्चइ अइवायाओ, पुणो विसोही न याऽविरइ ।।४६।।

सजमहेउं देहो धारिज्जअि सो कओ उ तदभावे ।
सजम-फाइनिमित्तं, देहपरिपालणा इट्ठा ।।४७।।

—ओहणिज्जुत्ति.

These verses clearly tell us that a person should pursue self-control by all means. If it, however, means death for him in abnormal circumstances, then one should protect oneself, even if it means a deviation from self-control. A monk who protects his life by resorting to exceptions is not guilty of transgression, if his mind is pure. Moreover, by remaining alive he can undergo expiatory punishment for such a transgression. For the proper following of self-control, the protection of the body is essential.

The author referred to above puts the whole argument in a nutshell when he says—

मूल में जैन परंपरा को बाह्य दृश्यमान विधि-विधानों का उतना आग्रह नहीं है, जितना कि अंतरंग की शुद्ध भावनात्मक परिणति का आग्रह है।... साधक, न केवल उत्सर्ग के लिए है और न केवल अपवाद के लिए है। वह दोनों के लिए है, मात्र शर्त है—साधक के ज्ञानादि गुणों की अभिवृद्धि होनी चाहिए।

This, then, is the spirit of Jaina monachism and the rules of discipline that guide it. Therefore, if in the following of such rules, one has to resort to exceptions, one should do it out of extreme necessity of protecting the body which becomes the vehicle in attaining the ideal of self-control. Thus for the proper carrying out of self-control one should resort to exceptions. The resort to exceptions for any other reason than that of self-control amounts to deliberate transgression. Therefore the circumstances under which a person resorts to exception and the aim for which it is done are the main pillars over which the edifice of monastic jurisprudence has been erected by the Jaina church.

2

THE CUSTODIANS OF MONASTIC DISCIPLINE

I. Introduction.

II. The Custodians of Monastic Discipline: The Hierarchy.

III. The Problems of Seniority and Succession.

IV. The Units or Church Groups.

THE CUSTODIANS OF MONASTIC DISCIPLINE

I

Introduction

We have so far surveyed the preliminary field for the study of Jaina monastic jurisprudence. We have seen the nature of the canon, the controversy about it, the texts essential for the study of the topic in hand, the spirit which underlies the formulation of rules of monastic conduct and the nature and meaning of transgressions and exceptions.

We now get into the core of the subject and see the nature of the principal *prāyaścittas*, the custodians and judges of monastic conduct or the hierarchy, and the rules regarding their qualifications.

II

The Custodians of Monastic Discipline: The Hierarchy

While dealing with the nature and meaning of transgression and exception, it was made clear that only a person who was a *gīyattha* (gitārtha) or well-versed in monastic discipline could be taken to be the best judge in deciding whether a particular transgression was committed or otherwise.

Naturally the question arises here as to who the person or persons were, who were so authorized by virtue of their disciplined mode of life and seniority to act as custodians and judges of the rules of monastic jurisprudence. What were the essential qualifications for such persons? What were the rules about seniority? To what factors was it related? The answers to all these questions will unfold the nature of the Jaina church hierarchy, the various units and their inter-relation.

Candidates fit for monastic life:

Let us begin at the beginning and see which persons were fit for entry to the rigours and discipline of monk life. The *Thāṇaṅgasutta* (p. 146b) gives a list of twenty persons who were not allowed to enter the order. The list as it stands is based on commonsense as also considerations which avoided the entanglement of the church into non-monastic affairs. For instance, rules which barred the entry of persons such as eunuchs, very old persons, children under eight, the sick, robbers, madmen, pregnant women etc., are obviously based on practical commonsense as these persons are likely to be a nuisance to the smooth working of monastic discipline. On the other hand, a person who was the declared enemy of a king (*rāyāvagārī*), a slave (*dāsa*), a person in debt (*aṇatta*), an attendant (*obaddha*), a kidnapped person (*sehaṇipphediya*) and a servant, were disallowed to enter monk-life for the obvious reason that their entry was bound to be embarrassing in political, social and other fields which naturally fell beyond the ambit of monachism. It may be noted that this list of persons not fit for entry to monkhood or nunhood is identical for the Śvetāmbaras and the Digambaras. (JAIN, C. R., *Sannyāsa Dharma*, pp. 24-25.)

The Hierarchy:

A person having entered monkhood remained as one under probation till he was confirmed (*'uvaṭṭhāviya' Thāṇ.* p. 240a). Such a *seha, antevāsī* or *sāmaṇera* had to prove himself worthy of monk-life and had to show implicit obedience to his senior. The period of probation depended on his behaviour and his senior's opinion regarding it. This period lasted either for six or four months or even for one week.

The *Thāṇaṅga* refers to four categories of *antevāsins* based on their initiation and confirmation by one and the same or other *ācārya*.

The next to be mentioned is the *Thera*. He was elder

Let us begin at the beginning and see what persons

to others both in age as well as in standing as a monk. This seniority of standing as a monk was expressed by the term '*paryāya*'. Another expression denoting the senior monk was '*rāiṇīya*'. The commentator to the *Thāṇaṅga-sutta* explains the term '*rāiṇīya*' as—' रत्नानि भावतो ज्ञानादीनि तैः व्यवहरति इति रात्निकः पर्यायज्येष्ठ· इति '। (p. 240a). Thus seniosity seems to have depended mostly on the scholarship and self-control or the proper following of discipline. From this point of view, a monk of less standing was designated as '*omarāiṇīya*', whereas one with a greater standing or seniority was termed '*ahārāiṇīya*'.

That there was a clearcut evaluation of and differentiation between age and standing is further corroborated by the terms '*jaithera*' and '*pariyāya thera*', the former denoting a monk of the age of sixty and the latter a monk of twenty years' standing in monkhood. Besides these two important categories, other *theras* are also referred to. These include the *kula-thera, gaṇa-thera, saṁgha-thera* and the *suya-thera*. The first three were those who were in charge of the management of either a *kula* or a *gaṇa* or a *saṁgha*, while the *suya-thera* was one who was well-versed in the texts like the *Samavāyaṅgasutta*, etc. (*Thāṇ.*, p. 516a).

These texts by themselves are silent about the qualifications and differentiation between these categories of a *thera*. However, the commentaries explain the various categories, and that too briefly. As the case stands, therefore, we are not in a position to state the inter-relation between these various types of *theras* nor are we certain about the nature of duties assigned to them. Whatever they might have been, the juniors were asked to show complete regard to the *theras*. (*Samavāyaṅga*, p. 59ab).

The next officer was the *uvajjhāya*. His chief duty was to give proper reading of the *sūtra* to the junior monks. (उपेत्याधीयते'स्मादित्युपाध्यायः । *Thāṇ.*, p. 140a). It is evident that such a person was expected to be well-versed in sacred texts. However, no details regarding him, his qualifications and his exact relative position in the hierarchy are

to be found in older texts like the *Āyāraṅga* and the *Sūyagaḍaṅga.*

The *āyariya-uvajjhāya* is again a problematic designation and it is not clear whether it denoted two officers or one. However on the basis of the five privileges (*aisesa*) he enjoyed by virtue of his qualifications and position, he seems to have been an important officer in the church hierarchy. The very nature of these privileges was such that he seems to have been a man of perfect self-control and a master of monastic discipline. For instance, he was allowed to stay outside the monastery or to live alone in it for a night or two; he might or might not wait upon somebody; he could clean and wipe his feet in the monastery and lastly he could ease nature in the monastery (*Thāṇ.*, p. 329ab). That these things were not allowed to any other junior officer speaks for the high confidence placed in the self-control and integrity of the person of the *āyariya-uvajjhāya.*

The next important officer of the church was the *āyariya.* The qualifications expected of him were of academic and moral nature. For example, he was to be a person endowed with *jñāna-ācāra, darśana-ācāra, cāritra-ācāra, tapa-ācāra* and *vīrya-ācāra* besides equanimity of mind, character and intellect. As such he stood at the head of a group of monks and all those under him were expected to show him utmost regard. Besides this, he enjoyed the same privileges as the *āyariya-uvajjhāya.* From the details given in the *Thāṇaṅgasutta* (pp. 239b, 240a) it seems that besides controlling and guiding a group of juniors under him, the *ācārya* was to initiate and confirm (*pavvāyaṇa* and *uvaṭṭhāvaṇa*) a candidate.

The *gaṇi* is yet another officer. He was a person who was endowed with the eightfold *gaṇisampad.* These make him ideal in conduct, scholarship, physique, intellect, instructions, debate, organization and monastic discipline. The *saṅgrahasampad* expects him to be a person with all the knowledge pertaining to ideal residence for younger monks, rules of begging alms and requisites and the code

of perfect moral conduct and self-control (*Thāṇ.*, p. 422b). From the qualifications and the nature of duties assigned to him, the *gaṇin* may be equated with the *ācārya*. This is also supported by the commentary to the *Thāṇaṅgasutta*.

Along with all these, there is mentioned yet another officer termed as *gaṇāvacchedaka*. The information regarding his qualifications and duties cannot be had in the *Aṅga* texts at all. The only information that is given is that he was the head of the part of a *gaṇa* or a group of monks (*Thāṇ.*, p. 245a).

Further amplification regarding the qualifications and the duties of these various officers can be had only when we come to the *Cheyasuttas*. In these texts, all these—and some more,—officers of the church are mentioned. For instance, the *Vavahāra* (X, 14), gives three categories of a *thera*. First, the *jāithera*. He was so called because he was sixty years old. The '*pariyāyathera*' was one who had at least twenty years' standing as a monk. The '*suyathera*' was well-versed in the *Thāṇaṅga* and the *Samavāyaṅga suttas*. Besides this, the same text gives details of the privileges which were enjoyed by the *thera*. For instance, very old monks or *jāitheras* were allowed to take rest while others begged alms for them. Similar concessions regarding the deposition of requisites were also allowed to them in case they were unable to carry these. (*Vav.* VIII, 5).

In the case of the *uvajjhāya*, besides the knowledge of the scriptures, monastic etiquette and practice of self-control, the person had to be such as had at least three years' standing (*tivāsapariyāya*). However, a mere three years' standing was deemed of no avail if the person was not well-versed in *āyārapakappa* or the code of monastic conduct. Moreover, he was to be a person who was smart and organizational enough to enroll new members to the fold. His duties were mainly academic, though he had to look after the nuns as well. (*Vav.* III, 3, 4, 12).

The *āyariya-uvajjhāya* had to be endowed with at least five years' standing along with the knowledge of the *suyak-*

khandha and *dasā-kappa-vavahāra* i.e. the three texts of the *Cheyasuttas.*

As the qualifications and the length of *paryāya* stand, this officer seems to have been senior to the *uvajjhāya.* With all these details, however, the exact nature of the duties of this officer are not clearly set forth anywhere. As I have suggested in my '*History of Jaina Monachism from Inscriptions and Literature*' (p. 220), this officer might be acting in a dual capacity, both as an *uvajjhāya* and an *āyariya* when need arose due to the absence of any one of these.

Eight years' standing and the knowledge of *Thāṇaṅga* and *Samavāyaṅga* were required of a person to designate him as a *gaṇāvaccheiya,* (*Vav.* III, 7). However, no clear statement about his duties is available.

The qualifications required of an *āyariya* were identical with those in the case of the *āyariya-uvajjhāya* given above. Besides this, a high standard of moral conduct was expected of him (*Vav.* III, 7). The *ācārya* seemed to act as the supreme head of a group of monks. For the juniors had to take permission from him for all the important items of daily routine. Besides that he was one of the supervisors of the nuns as well. (*Vav.* III, 12).

The *cheyasuttas* refer to other officers like *vāyaga,* (*Kappa.* IV, 5-6) and *pavatti* (*Kappa.* IV, 15) whereas the *Ohaṇijutti* mentions '*vasaha*' (V, 125). The '*vācaka*' probably gave reading of texts to the junior monks. The '*pravartin*' probably looked after the administrative routine of a group of monks, whereas the *vṛṣabha,* on the basis of the commentary, seemed to be a person looking after the ill and waiting upon them. Save in the case of *vācaka,* who was to be a person of manners, who avoided excitement and atoned for every transgression, the qualifications of others are not to be found.

Besides those mentioned so far, the *Bṛhatkalpabhāṣya* refers to '*abhiṣeka*' and '*spardhakapati*' (IV, 433; III, 2132-36). In the case of the former, he was sometimes equated with the *upādhyāya* (III, 2405, 2411), and sometimes

deemed fit for *ācārya*hood as well (IV, 4336). The *spardhakapati*, as the designation stands, seems to have acted as the head of a *phaddaā* or a small sub-group in a *gaccha* (*laghutaro gacchadeśa eva*: *Ova.* p. 86). The *Ovavāiya-sutta* tells us that this group was headed by a *gaṇāvacchedaka*. Does it mean, then, that the *spardhakapati* and the *gaṇāvacchedaka* were identical?

The foregoing discussion proves that the officers of the church were persons of moral discipline and academic and practical scholarship. These qualities were essential for those who were the custodians of monastic discipline and its proper working among the subordinates.

The Officers of the Nuns:

The organisation of the nuns was done under their own officers all of whom were subordinate to the officers of the monk order. The *ācārya*, the *upādhyāya* and the *pravartinī* were the protectors (*aryikāpratijāgaraka*) of the orders of nuns. This subordination was so supreme and final that a monk even of three years' standing could become the *upādhyāya* of a nun of thirty years' standing and a monk of five years' standing could become the *upādhyāya* of the nun with sixty years' standing, as laid down in *Vavahārasutta* (VII, 15, 16). This echoes faithfully the smashing rule of the *Cullavagga* of the Buddhists which lays down that a nun of even a hundred years' standing should bow down to a monk of recent entry to the order! The final blow comes from the Digambaras who hold that a woman, even when she becomes a nun, is not eligible for liberation unless reborn as a man. (*Pravacanasāra*, III, 7).

This avowed inferiority is reflected even in the administration and control of the order of nuns. For the rule held that the nuns were not to live at any time without the association of either an *ācārya* or an *upādhyāya* or a *pravartinī*. The last of these stood at the lowest stage, subordinate both to the *ācārya* and the *upādhyāya*. (*Vav.* III, 12).

The hierarchical list amongst the nuns corresponded to that amongst the monks. Just as there were officers like the *ācārya, gaṇin, pravartin, gaṇāvacchedaka, abhiṣeka* and *thera*, the order of nuns had *gaṇinī, pravartinī, gaṇāvacchedinī, abhiṣekā* and *therī*.

The *gaṇinī* was the highest officer in the cadre and headed the *gaṇa* or the group or unit of nuns. She practically did the duties which an *ācārya* did for his group. She was expected to be a person of high moral standard, equanimous, energetic and fond of study, able to execute stern discipline and having organizational drive (*Gacchāyāra*, 127-28). No details regarding her *paryāya* or academic standard are available.

The next in the cadre was the *pravartinī* often referred to in the *Cheyasuttas*. The exact position of her in relation to other officers, is a matter of uncertainty. However, a nun aspiring for this office was required to have a full knowledge of the '*āyārapakappa*' as also organizational tact and command. In spite of this, she was never allowed to stay alone (*Vav.* V, 1, 2, 9, 10). With the help of an *ācārya*, whose duty it was to let her know the details about transgressions which nuns were not to commit, the *pravartiṇī* was the officer who was responsible for the moral discipline of nuns under her care.

The *gaṇāvacchediṇī* was one who controlled a part of a *gaṇa* as her male counterpart the *gaṇāvacchedaka* did. No details regarding her academic qulifications or administrative duties can be had.

Similar is the case of the *ahiṣegā*. The *Bṛhatkalpabhāṣya* (III, 2410, comm.) sometimes identifies her with the *gaṇinī*, whereas sometimes she is taken to be fit to occupy the office of the *pravartinī* (IV, 4339, comm.).

The *therī*, though not clearly evaluated, possibly had the same qualifications as the *thera*. Since these designations follow closely the pattern of the monk-order, it would not be wrong to presume that the same categories like the *jāi-therī, pariyāya-therī*, so on and so forth, were possibly current.

The *mahattariyā* mentioned in the *Gacchāyāra* (V, 118) was possibly a nun who was respected due to her learning and moral integrity. She is not mentioned in any of the earlier texts. As for her duties, we have no information.

The *khuḍḍiyā* possibly denoted the nun who was not confirmed. She is explained as *'bālā'* in the *Bṛhatkalpa-bhāṣya* (IV, 4339).

Digambara Hierarchy:

The Digambara texts like *Mūlācāra, Pravacanasāra,* and others do not differ much in giving the list of the officers of the church hierarchy. They refer to *sāhu, thera, uvajjhāya, āiriya, gaṇahara, sūri* and *pavatta* (*Prv.* III, 47-52; *Mūl.* 7, 10; 4, 195, etc.). The term indicative of a senior monk is referred to in the *Anagāradharmāmṛita* (8, 50) and is the same as *'rātnika'.*

However, in none of the texts referred to above further details regarding the academic qualifications and the nature of duties of these officers can be had. It is more than likely that the duties and nature of qualifications of these various officers was probably the same for the Digambara and Śvetāmbara texts.

III

The Problems of Seniority and Succession

Thus the main qualifications of the officers of the Jaina church hierarchy consisted of moral integrity and the knowledge and proper practice of the rules of monastic conduct.

It would be wrong, however, to suppose that the organizers of the church hierarchy were indifferent to other considerations. This is evidenced by the several rules and regulations that guided the considerations of seniority and succession. These considerations were essentially important for the proper working of the monastic order as also to keep up the morale of the juniors and the seniors. For if nepotism and favouritism succeed in an

organization, then they lead to the break up of discipline and moral integrity. Therefore, the organizers of the Jaina church who were fully conscious of such problems, made such rules as were fit to blend together the ideals of respect for age and respect for scholarship and moral conduct as well. A few examples in this regard would not be out of place here.

Take for instance, the case of the *āyariya-uvajjhāya* whose requirements have already been discussed. He was to be a person of at least five years' standing plus the knowledge of the three *cheyasuttas*. Now if in spite of his seniority, he happened to have forgotten the texts, then he was asked to relearn the '*ācāra-prakalpa*' and then only he was installed in the office. Thus due consideration for seniority as also the insistence on academic qualification was given. He was never brushed off nor was he denied the right to that post if he qualified himself again. But supposing this was not possible, then another person who was well-studied but whose seniority was degraded due to his having committed some transgression (*nivuḍḍhavāsa-pariyāé*) was again initiated and installed as the *ācāryopādhyāya*. However, two conditions were binding on him, and these were that his behaviour must be above board and he must earn the confidence of his colleagues and juniors. (*Vav*. III, 9, 10). If, however, he became licentious and worldly while in office, then he was not allowed to hold any office throughout his life. If he happened to do so while not holding the office, then he was suspended for a period of three years. (*Vav*. III, 16, 17, 21, 22). It will thus be evident that even the officers were required to act within the rules of monastic discipline failing which they had to face suspension or expulsion.

Similar injunctions were imposed on the other officers as well. If, however, circumstances were such that they were beyond the control of oneself then due consideration was given to such cases. For instance, if a monk had forgotten the texts due to illness, then he was allowed to re-learn these and then installed in his position. Even

younger monks of less standing were allowed to teach such older ones and then the latter were given their due status in the hierarchy. Thus considerations of age, standing, as also factors beyond one's control were properly judged. (*Vav.* V, 17-18).

I have discussed this problem in my '*History of Jaina Monachism*'. I may be allowed to reproduce the relevant portion pertaining to the topic under discussion. "In order to avoid the conflict between age and seniority, certain rules had to be framed to avoid bad feeling between different members of the church. With a view, therefore, to put this into practice, the *āyariya-uvajjhāya* waited for four or five days if during that period another monk older in age completed his studies. Then the first confirmed the elder and then the younger even though the latter had completed his studies earlier. It may, however, be noted that the margin left for the completion of studies was not much as that would otherwise have made him not very eager in completing his studies. At the same time due consideration was shown to age by this rule, and the superiors who deliberately confirmed the younger person earlier than the older, even though both had completed their studies, had to undergo punishment (for this act).

"If two monks of different *paryāyas* wandered together and if the monk with greater *paryāya* had no disciple while the other with less *paryāya* had, then the latter with his disciples had to remain under the control of the former. If both had disciples, then also, those of less *paryāya* had to remain under the authority of him who had greater *paryāya*.... The difference between authority based on *paryāya* was to be observed compulsorily by pair of either monks or officers in order to facilitate the smooth working of the church and in order to avoid the conflict of age and learning regarding seniority, and the Church showed keen foresight, knowledge of psychological factors and wisdom in these rules.

In spite of these rules of seniority, the *ācārya* was allowed to appoint his successor if the former was seriously

ill, or had entered householdership again. But in order to have no occasion for favouritism by which there was a chance of unfit persons stepping into office, the rest of the monks were given supreme powers to ask the newly appointed successor to quit office if they thought that he was unfit for the post. If he relinquished the office, well and good; then he was not to undergo any punishment.... But, if in spite of the request of the rest of the monks, he persisted to hold on, then that person had to undergo cut in seniority or isolation. Thus it may be said that the working of the Church was based on purely democratic lines even in the modern sense of the term."

Similar rules guided the seniority and succession in the order of nuns. As in the case of monks, the nuns also had a right to ask the unfit nominee of a *pravartinī* to withdraw from office (*Vav.* V, 13-14). The appointment to office after re-learning the texts, expulsion and debarring due to offences done while holding office and holding allegiance to the nun of senior standing by the disciples of one of less standing,—all these rules tally *ad verbatim* with those in force for the monks.

IV

The Units or Church Groups

The various officers and juniors bound by these rules of academic and moral qualifications and the laws of seniority and succession, resolved themselves in different groups which conformed generally to the rules of monastic jurisprudence as a whole but were guided by their own rules of internal working.

These groups facilitated the supervision of the systematic working of monastic discipline as also the development of solidarity and the furtherance of the proper study of texts by a group.

To start with, these groups served the purpose very well. But later on with an enormous growth in the *Gacchas*, it seems to have resulted in differentiation of

monastic practices as also a sort of isolationism which are not good for the homogeneity of any church.

Be that as it may, the early texts of the canon refer to various units or formations of monks under a senior.

The first and the foremost was the *gaṇa* which is said to have consisted of three *kulas* (*Bhag. comm.*, p. 382b). Some texts do not give this specific number but say that a *gaṇa* is a group of *kulas*. On the other hand, the *Bṛhat-kalpa* says that a *gaṇa* was formed of several *saṁbhogas* (IV, 18-20). The Digambara text *Mūlācāra* explains the *gaṇa* as a group of three monks (*traipuruṣiko gaṇaḥ, Mūl.* 10, 92; *comm.* p. 193).

Whatever it may be, the formation of a *gaṇa* under a senior officer took place for the express purpose of gaining higher knowledge or to practise a more rigorous mode of discipline, etc. Thus considerations of purely academic and monastic discipline seem to have led to the formation of a *gaṇa* (*Thāṇ.*, p. 381a).

Nobody was allowed to change his *gaṇa* often. This was taken to be a major fault. However, the change of *gaṇa* after some period was allowed for several reasons. For instance, for the obtainment of alms jointly with the members of the other *gaṇa*, and for the sake of making an advanced study of a particular text known to those who belonged to another *gaṇa*, a monk or an officer was allowed to change his *gaṇa* with the express permission of his senior and after laying down office in the present *gaṇa*. (*Smv.* 39ab, 40b; *Kalp.* IV, 18-24, V, 5).

None was allowed to change the *gaṇa* for avoiding atonement for a fault. Similarly a person could be allowed entry into the *gaṇa* after his dismissal for a grave offence, only if the other members expressed their confidence in him. So also the change over from a *gaṇa* of greater standing to that of a less standing was prohibited (*Nis.* 16. 15).

The next group was designated as the *kula* which however has not been satisfactorily explained in any text. However, it has already been seen that the *kulas* formed the *gaṇa* (*Aup.*, *comm.* 81). The *Bhagavaī* commentary

(p. 382b) explains it as '*egāyariyassa santai*' (also *Mūl.* I, p. 143), or the disciples of a particular *ācārya*. This, however, fails to explain the *kula* and the rules of its formation and working. It is likely that a *kula* was headed by a junior officer, and a group of such *kulas* and their heads were responsible to the *ācārya*.

The *sambhoga* is yet another formation referred to in early texts. This has been variously explained as 'a group taking food together' (*Uttar.* comm. p. 333a), or as a group having a common *sāmācārī* and taking food together' (*Pāiya.*, p. 1062) or as "a group of monks begging alms in one district only" (JACOBI, *SBE.*, XIV, p. 167, fn. 1). The unit is also referred to in the inscriptions from Mathurā.

The exact purpose for the formation of the *sambhoga* is not explicit though it is said that it facilitated exchange of requisites, common study of texts, exchange of food, attending the ill, etc. (*Smv.* 21b). It is doubtful whether it was a unit in the real sense of the term.

The most important unit is the *gaccha* which is even now current in Jaina church. It is remarkable to note that it does not occur in the early texts of the *Śvetāmbara* canon but comes into constant reference in the *Nijjuttis*. As a matter of fact an entire text among the *Paiṇṇayas*, the *Gacchāyārapaiṇṇaya*, deals with the *gaccha*.

There is no unanimity regarding the information as given about the *gaccha*. For instance, the *Ovavāïya* (p. 86) explains the *gaccha* so as to mean the following of one *ācārya*. The *Chedasutras* do not mention the *gaccha*, whereas the *Mūlācāra* commentary makes it a group of seven monks (*sāptapuruṣiko*: pt. I, p. 133). In several texts and commentaries, it is equated with the *gaṇa*. The information as given in the *Mūlācāra* makes it a unit of bigger strength than the *gaṇa* as the latter required only five person for its formation. On the whole it is not clear what relation *gacchas* and *gaṇas* had between themselves. Later on, however, the *gaṇa* went out of vogue, giving place

to or identifying itself with the *gaccha* which arose in a fairly large number. (DEO, *op. cit.*, pp. 519ff).

The *Ohaṇijjutti* (116-117) enjoins every monk to be a member of some *gaccha*. Later inscriptions show that there was an enormous increase in the number of the *gacchas* which were formed on regional, personal and incidental basis as also on the strength of some monastic practice. However, since the *gaṇa* was equated with the *gaccha* in later days, it would not be incorrect to assume that the rules and regulations pertaining to discipline were the same.

There are other minor units which find mention in the *Ovavāiyasutta*. For instance, it refers to '*gumma*' and the commentator explains it to be a part of a *gaccha* controlled by the *upādhyāya* (p. 86). No other information is available regarding this unit.

Similar is the case of yet another unit designated as '*phaḍḍaga*' which was a small part of a *gaccha* and was in charge of the *gaṇāvacchedaka* (*Ova.* p. 86). This involves contradictions as it makes the *gaṇāvacchedaka* subordinate to the *upādhyāya* whereas the *Chedasutras* lay down identical qualifications for the *gaṇavacchedaka* and the *ācārya*, the latter being definitely senior to the *upādhyāya*. On the basis of this discrepancy, SCHUBRING (*Die Lehre der Jainas*, article 140) doubts whether these were technical divisions at all.

SCHUBRING's remarks seem to hold good even in the case of the *maṇḍali* (*Ogha. N.* 522, 547, 561). This implied the formation of a group of monks for the purpose of waiting upon the ill or for helping the new young entrant to the order etc. The *thera* or the elderly monk who headed such a group was called the *maṇḍalī-thera*.

The *Sāhā* or *Śākhā* was not a unit in the strict sense of the term. JACOBI points out that "it is not quite clear what is meant by *gaṇa*, *kula* and *śākhā*. *Gaṇa* designates the school which is derived from one teacher; *kula*, the succession of teachers in one line; *śākhā* the lines which branch off from each teacher". (*SBE*, XXII, p. 288, fn. 2).

The details so far given, though not exhaustive, are sufficient to give an idea about the custodians of monastic conduct, the qualifications required for various positions in the church hierarchy, the rules and regulations which were enjoined upon them and the various groups which formed the monk-order as a whole.

Having known the inter-relation between the various officers and the groups they headed, let us now pass on to the actual enactment of the rules of monastic conduct and the application or enforcement thereof by those who were qualified and authorised to do so.

3

LAWS OF JURISPRUDENCE AND THEIR WORKING

I. Introduction.

II. The Ten Prāyaścittas.

III. Some details about these.

IV. Implementation of the Punishment.

V. Laws of Jurisprudence for Nuns.

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VII. Comparison with Buddhist Jurisprudence.

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LAWS OF JURISPRUDENCE AND THEIR WORKING

I

Introduction

Having seen the qualifications that led to the formation of the hierarchy, let us now go into the core of the subject and see the details regarding the main *prāyaścittas* and the method or procedure of dealing with a transgressor (*vavahāra*).

II

The Ten Prāyaścittas

The texts of the *Śvetāmbara* canon give the following ten *prāyaścittas*. (*Thāṇ.*, p. 355b; *Bhag.*, pp. 920bff; *Ova.* p. 78; etc. etc.).

(1) आलोयणा (आलोचना)–निवेदना तल्लक्षणां शुद्धि यदर्हत्यतिचारजात तदालोचनार्ह । The reporting of the transgression to the guru. Such a confession led to the mental purity of the transgressor as also gave him mental courage of confession.

(2) पडिक्कमण (प्रतिक्रमण) – मिथ्यादुष्कृतं — Condemnation of a transgression committed. (*aiyāra*)

(3) तदुभय – आलोचनामिथ्यादुष्कृते — Confession and condemnation.

(4) विवेग (विवेक)–अशुद्धभक्तादित्यागः — giving up of transgressions like impure food etc.

(5) विउसग्ग (व्युत्सर्ग) – कायोत्सर्गः — practising *kāyotsarga*.

(6) तव (तपस्) – निर्विकृतिकादि — penance in the form of fasting or taking a particular kind of food.

(7) छेय (छेद) – प्रव्रज्यापर्यायन्हस्वीकरणं — the shortening of seniority or insubordination.

(8) मूल – महाव्रतारोपणं — re-consecration.

(9) अणवट्ठप्पा (अनवस्थाप्य) कृततपसो व्रतारोपणं — temporary expulsion.

(10) पारञ्चिय (पाराञ्चिक) – लिङ्गादिभेदम् — expulsion.

The last one has been explained by the *Ovavāiya* commentary as तपोविशेषेणैवातिचारपारगमनं (p. 79), i.e., the overcoming of transgression by means of the practising of a peculiar kind of penance.

This list of the ten *prāyaścittas* is the same in practically all the *Śvetāmbara* canonical texts.

The list as given in the *Digambara* text *Mūlācāra* differs a bit from that cited above. For instance, the first eight *prāyaścittas* are the same, but the ninth is substituted by '*parihāra*' and the tenth by '*saddhāṇa*'. (*Mūl.* 5, 165).

The former has been divided by the commentator as '*gaṇapratibaddha*' and '*apratibaddha*', and explained as being the transgressions committed by a monk while leading the corporate life in a *gaṇa*, or the transgressions committed by him when he was alone in a region foreign to him, respectively. The tenth *prāyaścitta* '*śraddhāna*' has been explained to mean the determination on the part of the transgressor to give up transgressions and his reaffirmation of faith in the true religion.

III

Some details about these

Jaina monastic life laid the utmost emphasis on mental purity which rested on self-control and the courage to admit one's mistake. This being the case, the first two of the ten i.e., *āloyaṇā* and *paḍikkamaṇa* formed the most important items of daily routine of the monks of all ranks.

Whatever be the reasons for the mental, vocal or physical transgressions committed by a monk, he had to confess and condemn them before his senior. Whether a transgression was committed deliberately or otherwise, out of pride or carelessness or illness or fear or hatred or bad

company of heretics, every member of the order had to report it to the guru.

Every precaution was taken that this reporting and condemnation was not formal or superficial. For instance, the *Thāṇaṅgasutta* (484a) lays down that a monk should not so report his transgression as to create pity or a feeling of sympathy in the mind of the senior that would tend to lessen the harshness of the *prāyaścitta* inflicted on him. So also monks were not to approach such a senior as was well-known for his leniency, instead of one's own senior. Reporting only the major transgressions, or those seen by somebody, or only the minor faults, or in such a way that the senior fails to hear it properly, or doing so in a very noisy way, or confessing the same fault before different *ācāryas*, or confessing before a person who is not competent in monastic discipline and its rules, or doing so before a guru who had done the same type of transgression—all these were not allowed. Not only that, such methods were taken to be transgressions by themselves. It will be clear from these details that in the formulation of confession no scope was left for the transgressor either to avoid the responsibility of his faults or the proper expression of these. Another point worth notice is that the senior himself must be a person of ideal integrity and good moral conduct who would not try to lessen the facts of the actual transgression committed. At the most, he was allowed to permit the transgressor to undergo punishment in suitable parts. Moreover, he did not expose before others the nature of transgression committed by a monk in order to save his becoming the target of criticism and humiliation by the co-monks. Here is, therefore, the example of the foresight on the part of the framers of monastic laws, in the working of human mind.

The next *prāyaścitta*, the '*pratikramaṇa*' or the condemnation of transgression also formed an item of daily routine. The *Bhagavati sutta* and the Mūlācāra are unanimous in stating that this condemnation of transgression became a compulsory item of daily monastic routine during

the tenure of the first and the last *Tīrthaṅkaras* whereas it was not so during the lifetime of the rest of the *Tīrthaṅkaras*. In the lifetime of the latter, condemnation was done only when and if a transgression was committed. Whatever it is, the condemnation forming a compulsory item of daily routine must have led to mental purity. This is also emphasized by the rule that *ālocanā* and *pratikramaṇa* must be done with childlike simplicity without keeping back anything in the mind. (*Mūl.*, 2, 56-58).

The *pratikramaṇa* was either daily (*daivasika*), nightly (*rātrika*), regarding movement (*airyāpathika*), fortnightly (*pākṣika*), four-monthly (*cāturmāsika*) or yearly (*sāṁvatsarika*). Thus the insistence on confession and condemnation of transgression daily and on several occasions throughout the year was intended to contribute to mental discipline so essential to monastic life.

Along with mental control, control over the body was also essential. For that, *kāyotsarga* was practised. Along with *ālocanā* and *pratikramaṇa*, this also formed part of daily routine of a monk. Not only was this to be done daily and nightly but even at the time of taking food or drink, after return from the begging round, in tour, after easing nature, at study, so on and so forth. A definite table of the duration of the practice of *kāyotsarga* at these various items was laid down based on the *ucchvāsas*. (*Mūl.* 7, 150-86). The act consisted in concentrating in meditation of an auspicious nature without any movement of the body.

A number of rules pertaining to the performance of *kāyotsarga* are found. Standing with movement of the body or with a blank mind or with support of something or with movement of eyes or eyebrows or with change in calm facial expression was not allowed. Thus the practice of *kāyotsarga* tended to lead to mental concentration and control over physical movements.

Another important *prāyaścitta* consisted of '*tapas*'. Penance or bodily mortification was either 'external' or 'internal'. The external penance consisted chiefly of fast-

ing or the restrictions on eating or begging etc., which led to indifference to bodily needs. The internal penance gave stress mostly on mental purity. All the ten *prāyaścittas* cited above are grouped under internal penance, the other items of which comprised modesty, waiting upon others, study, meditation and non-attachment to the body (*Thāṇ.* p. 364b; *Uttar.* 28, 34; 30, 8).

The texts of the *Aṅgas* do not furnish us with the details about the other *prāyaścittas* and their implementation. The only information we get pertains to *anavasthāpya* and *pārāñcika,* the last two in the list. However, the information so given is purely theoretical and fails to satisfy the reader as to the actual process of bringing it into effect.

The *Thāṇaṅgasutta* (p. 162b) tells us that *anavasthāpya* was prescribed on three occasions. If a monk steals something from his own co-religionist, or if he does this in the case of those who do not belong to his creed, or if he slaps somebody, then, in these three cases he was to be punished with *anavasthāpya.*

The last of the *prāyaścittas* was divided into three categories. The *duṭṭha pārañciya* was said to have been committed when a monk showed disrespect to the *ācārya* or the *gaṇadhara* or the *āgama;* or developed intimacy with a nun or a queen; or murdered a king. If a monk often violated the rules regarding food and drink due to carelessness, then it was designated as '*pamatta pārañciya*'. A monk with homo-sexual tendencies was charged with the third type of *pārañciya.* (*annamannaṁ karemāṇe*).

It is only when we come to the *Chedasūtras*, that we get abundant information about these various *prāyaścittas* and the mode of implementing them. However, these details pertain mostly to the last four or major *prāyaścittas.* [Also, *Angd.,* VII, 54-57 and comm.].

As regards the '*cheda*', the *Jīyakappa* (80-82) tells us that the minimum cut enforced under this punishment was five days. This is also corroborated by the commentary to the *Ovavāiyasutta* which explains it as दिनपञ्चकादिना

क्रमेण पर्यायच्छेदनं (p. 78). The *Chedasūtras* often refer to '*santarā cheya*' which pertains to the scale of the gradual increase in the cut in *paryāya* if another transgression is committed while undergoing punishment for a previous fault. Another and most remarkable feature is that the period of cut in *paryāya* increased the more, the higher the status of the person in the hierarchy. Thus whereas in the case of a monk the minimum cut was five days, in the case of an *upādhyāya* it was ten and for an *ācārya* it was fifteen days. It was in the fitness of things that it was so resolved; for if those who knew the laws and were supposed to be the custodians of it, broke the rules of monastic conduct, then no ideal would have been left before the subordinates.

Another term connected with monastic jurisprudence is '*parihāra*'. This occurs for the first time in the *Thāṇaṅga* (p. 167b) and *Bhagavati Suttas* (348b, 893b, 909a, *ff*.), and has been amplified in the *Cheyasuttas*. The *parihāra-visuddhi* or the purification of the transgressor by means of penance in isolation, cut off from other members of the group, lasted for one, four or six months.

This *parihāra* punishment is qualified either as '*ugghāiya*' or '*aṇugghāiya*' and has often been referred to in the texts of the *Chedasūtras*. SCHUBRING opines that these expressions possibly denote the period in which the punishment is softened in between the different periods of expiation or the period between the declaring of the punishment and its execution (*Vavahāra und Nisīha-Sutta*: Leipzig, 1918, pp. 9-10).

The undergoing of '*parihāra*' involved the practice of different kinds of fasting for a maximum period of six months. The fasts were so arranged as to suit the different seasons. For instance, in summer, fasting from the 4th to the 8th meal was prescribed, whereas in the rainy season it varied between the 8th and the 12th meal and in winter it ranged between the sixth and the tenth meal. (*Thāṇ*. pp. 168ab). In a group of monks, the fasting was under-

taken alternatively by smaller groups and the one left over acted as the head to supervise.

As regards the *'anavasthāpya'*, the *Chedasūtras* lay down that when the complete *'paryāya'* or standing in monkhood was wiped out, the person concerned was given some time during which it was his duty to prove himself worthy of re-entry to the order again. Only when he succeeded in qualifying himself for monkhood, he was re-consecrated.

A little digression is necessary here to explain some terms connected with monastic jurisprudence besides the ten *prāyaścittas* as detailed above. For instance, we have seen that *'pārañciya'* involved the expulsion of a monk from the order. This expulsion has to be differentiated from *'sammukkasaṇa'* and *'ṇijjūhaṇa'*. Whereas *'pārañcika'* involved the expulsion of the transgressor due to some fault committed by him, *'sammukkasaṇa'* meant the compulsory abdication of a person in office who no longer enjoyed the confidence of his colleagues and followers. As against this, the *'ṇijjūhaṇa'* meant the deliberate omission of a particular monk from a *gaṇa* or group of monks.

Having noted the ten main *prāyaścittas*, we now pass on to another set of these so often mentioned in the *Bhāṣyas* and *Cūrṇis*. These are found elaborated in the *Jīyakappa* and its *bhāṣya*. This text makes a statement which says that the last two of the ten *prāyaścittas* went out of vogue during the period after Bhadrabāhu, who was well-versed in the fourteen *pūrvas*. This statement is corroborated by the contents of the other *Chedasūtras* which deal mostly with *'parihāra'*. The *bhāṣyas* seem to introduce a set of new *prāyaścittas* termed as *caturlaghu*, *caturguru* and some others based mainly on short or long-term fasts as punishment for transgressions.

The *Jīyakappa* sets forth a very complicated system of such fasts of particular nature set in a peculiar structure of different durations. The whole of the *'vyavahāra'* is divided into three categories as *'guru'* or the excellent mode, the *'lahu'* or the medium mode and the *'lahusa'* or

the minimum one. Each of these three categories is further divided into '*utkṛṣṭa*', '*madhyama*' and '*jaghanya*'. These are further subdivided each into three kinds such as *utkṛṣṭa-utkṛṣṭa*, *utkṛṣṭa,-madhyama* and *utkṛṣṭa-jaghanya*; *utkṛṣṭa-madhyama*, *madhyama-madhyama* and *jaghanya-madhyama*; and lastly *utkṛṣṭa-jaghanya*, *madhyama-jaghanya* and *jaghanya-jaghanya*. This can further be grouped and re-grouped.

The '*guru*', '*lahu*' and '*lahusa*' are further divided into *guru*, *gurutara*, *ahāguru*; *lahu*, *lahutara*, *ahālahu*; and *lahusa*, *lahusatara*, *ahālahusa*. Now this division is fastened to a standard '*māsa*' of thirty days and also to the fasts of various durations. Thus ultimately we have the following variations:

Guru-māsa	—	one month	(A)
Gurutara-māsa	—	4-3 months	
Ahāguru-māsa	—	5-6 months	
Lahu-māsa	—	30 days	(B)
Lahutara-māsa	—	25 days	
Ahālahu-māsa	—	20 days	
Lahusa-māsa	—	15 days	(C)
Lahusatara-māsa	—	10 days	
Ahālahusa-māsa	—	5 days	

This duration is coupled with the following types of fasts.

Guruga	—	*aṭṭhamia*	—	fast upto 8th meal
gurugatara	—	*dasama*	—	fast upto 10th meal
ahāguru	—	*bārasama*	—	fast upto 12th meal
Lahu	—	*cauttha*	—	fast upto 6th meal
lahutara	—	*cauttha*	—	fast upto 4th meal
ahālahu	—	*āyambila*	—	taking only boiled rice unmixed with any other thing.
Lahusa	—	*egāsaṇa*	—	taking only one meal a day.
lahusatara	—	*purimaḍḍha*	—	half day's fast. ..

ahālahusa — *nivvīya* — giving up dainties like ghee, etc. in food.

Thus ultimately the combination of the period and the nature of the fast, formed the punishment. For instance, '*guru-guru*' was the practice of the fast upto the 8th meal (*aṣṭama*) for a period of one month; '*gurulaghu*', a fast upto the 6th meal for a duration of one month, and '*gurulahusa*' would be the practice of '*egāsaṇa*' for one month. Out of these flowered out a variety of combination of short-term *prāyaścittas*. These were further adjusted in relation to the various seasons so as to suit the constitution of the person. Thus, out of these a number of permutations and combinations could be had. These, however, seem to have been brought into force during the period of the *bhāṣyas* and the *curṇis* as none of these is referred to in texts of the canon proper.

With these details about the various types of *prāyaścittas*, we now pass on to the persons who were authorised to pronounce the punishment and the process and procedure of implementing it.

IV

The Implementation of the Punishment

The Executors

Normally the monks lived in groups under an *ācārya*. Each individual monk had to confess and report the transgressions he had committed to his superior who was the judge in this matter.

However, certain categories were such that only the *ācārya* was deemed fit to decide whether that particular fault was to be punished with a severer form of punishment. For instance, it was only the *ācārya* who was authorised to decide whether a particular transgression was to be met with by '*cheda*' or '*parihāra*'. Similar was the case with regard to '*pārāñcika*'. Here also only the

ācārya could pronounce this punishment upon the transgressor.

The *ācārya* had full powers regarding this in the case of the order of nuns as well.

The Procedure

Unlike the texts of the Buddhists, the texts of the Jainas are silent on the actual procedure of enacting and enforcing the laws of monastic jurisprudence. There is no reference to the calling up of an assembly to decide the nature of transgression.

According to the *Vavahāra Sutta* (X, 2) the 'procedure towards a transgressor' was of five kinds, to wit, that based on the canon (*āgame*), or on tradition (*suè*), or on law (*āṇā*), or charge (*dhāraṇā*) or on the convention handed down (*jīé*). It will at once be realised that these are the five pillars of jurisprudence even in the non-monastic field. [Also *Angd.*, p. 671].

It has already been seen that the transgressor himself was to report about his fault to the senior. However, if he did not do so then some of his co-monks reported it to the head of the group. In spite of this report, the officers or the elders were asked to give the person accused, full scope to prove his innocence. The principle which underlay this provision was to put faith more in the person who has been accused rather than in one who reports about him. As is well-known even today this forms the basic principle of modern law which agrees with the dictum that '*saccapaiṇṇā vavahārā*', (*Vav.* II, 24-25).

Along with this, the circumstances under which a particular transgression was committed were also taken into consideration by the seniors. For instance, the committing of a transgression with the full knowledge of it was met with a more severe form of punishment than the one which was done unintentionally or under unavoidable circumstances. In such cases, the punishment meted out to the transgressor was comparatively lenient. If a monk who was practising austerities due to which he went out

of the service of the elders and happened to commit a transgression of certain rules of monastic conduct, then in view of the circumstances under which such a fault was committed, the elders 'proceeded towards him in the lightest way' (*ahālahusae nāma vavahāre*, Kalp. V, 53).

The severity or otherwise of the punishment depended on the nature of the transgression committed. For instance, '*kula-pārāñcika*' was prescribed in certain cases which involved the expulsion of the monk from the *kula*. Similar expulsion from *gaṇa* and *saṁgha* under *pārāñcika* depended on the severity of the fault (*Bṛh. kalp. bhā.*, Vol. V, 512). For instance, for covering the head with a garment in the fashion of a turban, a monk was punished with '*māsalaghu*'; for covering both the shoulders like that of a nun '*catvāro laghavaḥ*' was prescribed; for arranging the the ends of a garment on two shoulders for decoration involved the punishment to the extent of '*catvāro gurumāsāḥ*'; and for dressing up oneself like that of a householder involved '*mūla*' punishment (*Bṛh. kalp. bhā.*, Vol. I, 152).

Besides this, the severity of punishment increased with the responsible position which the transgressor occupied in the church hierarchy. For instance, monks were disallowed to stay in a place full of seeds. But if a new entrant to the order violated this rule then it was punished with '*laghu māsa*' which was not severe in point of either duration or fasting, whereas the same fault done by an *ācārya* made him liable for the same punishment which was severe in duration as well as in fasting. Thus persons in responsibility were punished the more because they failed to carry out the proper rule in spite of full knowledge of it.

The major *prāyaścittas* were prescribed and judged only by the most senior member of the group who was well-versed in monastic discipline. For instance, '*cheda*' was prescribed only for major faults like being proud of one's penance, or failing to carry out penances properly, or for having no faith in austerities, or for non-control even with austerities,or for indulging in sexual intercourse and

breaking the main requirements of monkhood. So also '*mūla*' *prāyaścitta* was declared when a monk broke one of the *pañca-maha-vvayas*, or violated the essentials of monkhood, or accepted worldly life or heretical faith or caused impregnation or abortion. These indeed were serious faults and only the *ācārya* was competent to deal with such cases of transgression.

Life under punishment

The persons punished under the major *prāyaścittas* had to lead a very rigorous mode of life. The monk punished with *anavasthāpya* had to go on practising fasts upto the 4th or the 6th meal for a period of twelve long years. During this period he led a completely isolated form of life. He was to bow down to everybody but nobody bowed to him. Nobody exchanged requisites or indulged in discussion with him. As a matter of fact no verbal communication with him was allowed. (*Bṛh. kalp. ṭkā.* 5135-37; *Vav.* II, 28-30).

Further transgression

If a person undergoing punishment for a previous transgression committed further transgressions during this period, then his punishment was further increased either by thirty, thirty-five, or forty days up to the maximum period of six months. It was termed as the '*ārovaṇā*' (*Thāṇ.* pp. 199a-200b).

If a transgression happened to pertain to two different rules of one item then it was treated and punished separately in which case the *prāyaścitta* was termed as the '*saṁjoyaṇā pāyacchitta*'. The *ācārya* dealt with all such cases.

The harshness of the punishment and the isolation of the transgressor from the rest of his colleagues did not mean that he was left uncared for. As a matter of fact, the *ācārya* looked after the transgressor every day during the period of punishment. In cases of illness, necessary nursing aid was also offered to him. However no junior

monk was allowed to do him service or have contact with him.

Commuting the punishment

As under cases of illness, even otherwise the necessities of the situation were taken into consideration. However, it was only the *saṁgha*, and not anybody else, who was empowered to do so. Sometimes,—it is remarkable to note,—political considerations intervened. If the monk punished under *pārāñcika* could please the king who was antagonistic to the monks, then at his request, the *Saṁgha* could lessen the *pārāñcika* punishment. However, this lessening was in a fixed proportion. In extreme cases, the *Saṁgha* was even empowered to absolve the punished of his punishment altogether.

V

Laws of Jurisprudence for Nuns

With the basic inferiority of the order of nuns referred to above, the other rules of monastic jurisprudence were the same, both for the monks and the nuns. As a matter of fact most of the rules of monastic discipline begin with the phrase '*je bhikkhu bhikkhuṇī vā*' or '*niggantho nigganthī vā*'.

As in the case of the monks, in the case of the nuns also the severity of the punishment increased with the severity of the transgression and the seniority in the church hierarchy.

The nuns were subjected to all the ten *prāyaścittas* along with the set of those like '*caturguru*' and others. Only in the case of '*parihāra*', the *Vavahāra Sutta* and the *Bṛhatkalpabhāṣya* are at variance. According to the former, '*parihāra*' could be prescribed for the transgressor-nun, whereas the latter opines against it.

VI

Salient Features

After all these details, it would be worthwhile to note down the salient features of Jaina monastic jurisprudence.

The first and the foremost characteristic of these monastic rules is the emphasis more on moral values which formed the backbone of monachism. However, coupled with that, due consideration was also shown to age and academic qualifications as well. Thus a fine blending of moral discipline, standing in monkhood and academic superiority was given due consideration in the formation of the hierarchy and the implementation of monastic discipline.

Another feature was that the law was a great equaliser. For instance, the transgressions of a newly initiated monk as also of an experienced officer, were punished irrespective of position. Actually the higher the status of the transgressor in the hierarchy, the more severe was the nature of punishment inflicted.

Third and the most notable feature of Jaina monastic jurisprudence was that the accused was given full scope to explain his position. This was useful in case some mischief-monger, out of vengeance, made a false accusation against somebody. In such cases, the elders put more faith in the accused who gave his defence rather than one who reported about the transgression. After hearing his defence, the elders gave their verdict.

Yet another feature was that the transgressor was given due opportunity to improve his behaviour. If during that period, he showed his capacity to carry out the rigours of monk-life, then he was allowed entry to the order again in case he had committed a transgression which wiped out his whole *paryāya*.

Due consideration was given to the circumstances under which a transgression was committed. We have already referred to the '*ahālahusaya vavahāra*' in this connection. Besides, the nature of punishment depended upon

the circumstances of each case of the delinquency. Extenuating and aggravating circumstances were duly considered in inflicting the punishment. For instance, touring with nuns of other faiths or with eunuchs, in a woman's apparel at day time, was punished with '*laghuka-cheda*' or '*guruka-cheda*'. Doing so at night was sentenced with '*mūla*'. If, however, a Jaina monk toured with a Jaina nun at day time then he was punished with '*anavas-thāpya*'; if he did so at night time then he met with the highest punishment, that of *pārāñcika*. Here both the circumstances under which the breach of rule of monastic conduct occurred as also the considerations of maintaining the purity of monastic conduct of one's own creed were critically and scrupulously considered by the framers of monastic laws.

Along with this, the makers of monastic laws were conscious of the social, religious, economic and geographical peculiarities of various regions. Hence suitable exceptions in these regions were provided for by the church. Here was therefore flexibility as also the rigidity of the spirit of the law. For instance, the monks and nuns are not to touch each other's body under normal circumstances. This does not mean, however, that this law is to be followed even under peculiar circumstances of distress. If a nun or a monk is bitten by a snake and if there is no other way of outside help then a monk could touch her body by way of treatment (*Kalp.*, VI, 3). Similar is the case in which an ill monk was allowed to overstay at one place (*Nis. cuṇṇi*, 404), or in cases of going out to ease nature in rain instead of suppressing such calls, crossing the river under emergencies, staying at a proper place even without permission instead of living in a forest full of wild beasts and intense cold, so on and so forth. In all such cases, these practices were resorted to only as '*āpaddharma*' for which suitable *prāyaścittas* were undergone afterwards. Actually the *Nisīhacuṇṇi* (2684) allows the acceptance of '*adhākar-mika*' food under such abnormal conditions as famine, wickedness of a king, great fear or illness, etc. Not

only this, but those who even when knowing the emergencies that made a monk act abnormally teased or condemned him were punished by the *ācārya*. Therefore, the motive behind the transgression and the tendency that led to the commitment of indiscipline was to be punished, and not the helpless victim of circumstances.

This insistence on the practice of the spirit of the law and not the letter of it is reflected in the provisos and exceptions to monastic conduct in peculiar regions as mentioned in the *Bṛhatkalpa-Sūtra-Bhāṣya*. For instance, in the Mahārāṣṭra region, people used the *nīlakaṁbala* in winter. The monks touring that region in that season were also allowed to use that type of *kaṁbala*. In the country of *Thūṇā*, people used clothes whose ends (*daśikā*) were cut, whereas reverse was the practice in the Indus region. In the Konkan region, people were accustomed to eat fruits and flowers. In all these social and geographical variations, the monks were allowed to adjust their practice with the local habits for which, however, they had to undergo *prāyaścittas* later on.

The last and the most important feature of the laws of Jaina monastic jurisprudence is their heterogenous arrangement. We have already seen that the study of the *Cheyasuttas* was compulsory for those who aspired for a senior rank in the hierarchy. Their study would have been much more easy had the different transgressions been grouped under suitable categories of monk life like dress, food, study etc. On the contrary what we find in the *Nihīhasutta* is the grouping of various acts of monk-life grouped under the categories of *prāyaścittas*. This, as the case stands, makes the reference to a particular transgression not very easy to find out.

And the last but not the least important point is the total absence of the mention of the background that led to the formulation of a particular rule in Jaina texts dealing with jurisprudence. What we find in the bare texts of the *Chedasūtras* is the abrupt, matter-of-fact, heterogeneous list of different transgressions that were to be dealt

with under a particular *prāyaścitta*. Of course the *cuṇṇis* and the *bhāsas* provide the necessary information which seems to robe the skeleton of rules. As SCHUBRING rightly points out in his introduction to the *Kappasutta*, "there is nothing of legendary embellishing in the Jainistic ordinances".

VII

Comparison with Buddhist Jurisprudence

The classification of the Vinaya laws is also arbitrary. No systematic grouping is to be found in any of the texts of the Vinaya literature. However, even such a heterogenous formulation dons the human touch as every rule is endowed with an episode that led to its formulation. This helps one a lot in understanding the background and the adjustment of monastic discipline to that background. The laws of Jaina monastic jurisprudence do not by themselves explain such background for which we have to depend on later commentaries.

Moreover, the association of the Buddha in such a setting and the pronouncement of the rule through his mouth tended to give a sort of grand solemnity to the utterance and formulation. No such pronouncements are attributed to anybody in the Jaina texts.

As against the ten main *prāyaścittas* of the Jainas, the two hundred and odd offences are grouped under seven categories in the Buddhist literature. The lightest offence, was '*sekhiya*' and the highest '*pārājika*'.

Yet the nature of acts on the part of the monks and nuns which could be termed as an offence is more or less alike in both the Buddhist and the Jaina texts in a very broad way. For instance, offences which involved behaviour against celibacy and showing of disrespect to the Buddha or the *Tīrthaṅkara* etc. are alike in both these religions. Similarities can be quoted in a number of cases which it is needless here to list.

There is yet a difference. In the Buddhist Church, the promulgation of a rule could be done either by the

Buddha or by the elders in the *Saṁgha* or by elderly and well-versed senior monks or by the *Vinayadharas*. Regarding such agencies of the origin and formulation of different rules, the Jaina texts are silent. What we find in these texts are that the seniors act more as judges than as originators of law.

The prosecution of the guilty was an elaborate affair in the Buddhist jurisprudence. Such trials were to be held in the presence of a full assembly (*Mahāvagga*, IX, 3). Besides this, the accused was to be allowed to confess or defend if somebody else had accused him. The declaration of the offence committed by the accused was done by a senior monk (*Ibid.*, X, 3, 9). Opinions were allowed to be expressed by other representative monks regarding the offence and whether the accused was involved in it or not. In cases of grave offences, such procedures as ballot and open voting, and holding of a jury were also resorted to. In the case of minor offences, formal confession was deemed sufficient. The account of the trial of Ānanda, Devadatta and others makes a wonderful reading which brings out the elaborate procedure adopted in such trials.

Such elaboration of trials is not to be found mentioned or described in any of the Jaina texts. What we have is the reference to the *Saṁgha* which in some cases was empowered to commute the punishment inflicted on a monk, under certain circumstances.

The picture that stands before our eyes, on the basis of the information given in the Buddhist texts, is that of a completely organized corporate life of the *Bhikkhu saṅgha*, which, though a feature even of the Jaina order of monks and nuns, has not anywhere been graphically represented, so far as the enforcement and administration of monastic jurisprudence is concerned, in the Jaina texts.

VIII

Epilogue

Thus, in short, is the rapid survey of the rules and working of Jaina monastic jurisprudence. With all their

matter-of-fact enumerations, the rules definitely reveal the working of the human mind in its wonderful adjustment and reaction to problems of this world full of human beings, humane and cruel, haughty and modest, dauntless and timid. It is a gallant tribute to the Jaina church and its elders that they could see all these facets of the human mind and with all the knowledge of such a complex field, tried to elevate a normal human being to a disciplined ascetic striving for the *summum bonum.*

JAINA MONASTIC JURISPRUDENCE

4

TRANSGRESSIONS AND PUNISHMENTS

TRANSGRESSIONS AND PUNISHMENTS

In the following pages are grouped some representative transgressions covering the various fields of monastic life and the punishments prescribed for these.

These are based chiefly on the following texts:

Digambara

(1) *Mūlācāra* (*Mūl.*)
(2) *Anagāradharmāmṛita* (*Angd.*)

Śvetāmbara

(1 *Vyavahāra* (*Vav.*)
(2) *Niśītha* (*Nis.*)
(3) *Kalpa* (*Kalp.*)
(4) *Bṛhatkalpa-bhāṣya* (*Bṛh. kalp. bhā.*)
(5) *Jītakalpa* (*Jīt.*)

One remarkable feature is that the texts and some of the *bhāṣyas* are at variance in the nature of the punishment prescribed for the same fault. For instance, faults listed under *dhāi-piṇḍa*, *mālāpahaḍa* etc. (under food) have to be met with '*cāummāsiya parihāraṭṭhāṇa ugghāiya*' according to the *Nisīhasutta;* whereas for the same faults, the *Bṛhatkalpabhāṣya* prescribes '*māsalaghu*'. Does it mean that by the time of the *bhāṣyas*, the nature of punishment was made less harsh?

This list is by no means exhaustive, nor it is attempted to be so, in view of the size of this monograph.

Ālocanā, *pratikramaṇa* and *kāyotsarga* were part and parcel of the daily routine of a monk's life. Besides the routine practice of these, these were to be performed on the following occasions.

Ālocanā

(1) practising penance without the permission of the *ācārya*,

(2) taking requisites of others without permission,
(3) condemning those who are not present,
(4) disobeying the *ācārya*,
(5) moving out without the permission of seniors,
(6) leaving the *saṁgha* without the knowledge of its members and joining one's own,
(7) forgetting to perform the *āvaśyakas*.

— *Angd.* 7, 38 ff.

Pratikramaṇa

(1) touching the body of the *ācārya*,
(2) for quarrels,
(3) transgressions pertaining to study and service,
(4) becoming passionate when on the begging round,
(5) troubling others.

— *Angd.* pp. 503-04.
— *Mūl.* 7, 114-133.
— Deo, *op. cit.*, p. 350.

Kāyotsarga

(1) for performing improperly *ālocanā*,
(2) at the fall of worms,
(3) transgressions pertaining to insects,
(4) walking over wet ground or over grass or wet mud,
(5) crossing knee-deep water for purposes not allowed by Law,
(6) crossing the river in a boat,
(7) after the fall of a book or image,
(8) after easing nature on an unscanned area.

— *Ibid.*

Church Affairs

(1) If the nominee of an *ācārya* who has been nominated by the latter in his illness refuses to quit the post when requested by his followers, then he has to undergo — *cheya* or *parihāra*.

— *Vav.* IV, 13.

(2) If the *ācārya* and the *upādhyāya* defer the final consecration of a qualified monk for four or five days, then they have to face — *cheya* or *parihāra*.

— *Vav.* IV, 16.

(3) If a group of nuns lives without any head when the previous head-nun dies in tour, then *cheya* or *parihāra*

— *Vav.* V, 11.

(4) When the subordinate nuns refuse to obey a qualified *pravartinī*.

— *Vav.* V, 14.

(5) Making friendship with or worshipping or for one's own aims making use of the king or his bodyguard or the caretaker of the city or of nigama or of the country or of the village or of the forest or boundaries — *māsiyam parihāraṭṭhāṇam ugghāiyam.*

— *Nis.* IV, 1-18, 40, 48.

(6) Exchange of food or requisites or residence or instructions with those who have separated themselves out of a quarrel — *cāummāsiyam parihāraṭṭhāṇaṁ ugghāiyam.*

— *Nis.* XVI, 16-24.

(7) Calling a self-controlled monk as lax and vice versa — *c. p. u.*

— *Nis.* XVI, 13-14.

(8) For one who gets his feet wiped or cleaned by a heretic or the owner of the lodge — *c. p. u.*

— *Nis.* XV, 13ff.

(9) Initiating or confirming a known or an unknown person (secretly?) — *cāummāsiyam parihāraṭṭhāṇam aṇugghāiyam.*

— *Nis.* XI, 84-85.

(10) Calling an '*ugghāiya*' fault as '*aṇugghāiya*' and offering punishment likewise and vice versa — *c. p. a.*

— *Nis.* X, 9-10.

(11) For him who appointed a person, who had not studied the *chedasūtras* or had forgotten these, as the head of a *gaccha* — *catvāro bhārikā māsāḥ.*

(12) For him who accepted the headship of a *gaccha* without studying the *chedasūtras* or had forgotten these — *catvāro māsā gurukāḥ*.

(13) For him who appointed an *abahuśruta* and *agītartha* to head a *gaccha* — *catvāro guravaḥ*.

(14) For him who appointed an *abahuśruta* but a *gītārtha* to head a *gaccha* — *caturguravaḥ*.

(15) For him who appointed a *bahuśruta* but an *agītārtha* to head a *gaccha* — *caturguravaḥ*.

(16) For him who being *abahuśruta* and *agītārtha* accepted the headship of a *gaccha* — *caturgurukāḥ*.

(17) ..... as (16) .... *abahuśruta* but *gītārtha* — *caturgurukāḥ*.

(18) ..... as (17) .... but *bahuśruta* and *agītārtha* — *caturgurukāḥ*.

— *Bṛh. kalp. bhā.* I, 703-04.

(19) For him who kidnapped a Buddhist novice without his own or his relative's consent, — *caturguru*.

— *Bṛh. kalp. bhā.* V, 5095.

(20) If a monk manages to enter another *gaṇa* without atoning for an offence — *pañcarāindiya cheya*.

— *Kalp.* V, 5.

Moral Discipline and Self-Control

(1) If a monk lax in behaviour lives with a similar person and yet wishes to enter the *gaṇa*, he may be allowed to do so after confession, atonement and undergoing the *cheya* or *parihāra*.

— *Vav.* I, 29-32.

(2) Washing one's limbs with hot or cold water— *māsiyaṁ parihāraṭṭhāṇaṁ ugghāiyam*.

— *Nis.* II, 21.

(3) Dressing the nails or hair or moustache — *m.p.u.*

— *Nis.* III, 41-46.

(4) Brushing or cleaning the teeth — *m.p.u.*

— *Nis.* III, 47-49.

(5) Not scanning the ground for easing nature; depositing the excreta in an improper manner; not cleaning the anus properly — *m.p.u.*

— *Nis.* IV, 102-111.

(6) Depositing excreta in a house, or at the front of a house or at the door or at the open verandah, or in a house where there is a dead body (?), or on the ash of a burnt body or on a pillar for the dead, etc., or in a temple or on mud; or in a new earth-mine, or in a grove of *umbara* or banyan or *aśvattha* trees; or in a sugar-cane field or rice-field or cotton-field; or in a place where there are vegetables, groves, flowers, seeds or leaves — *m.p.u.*

— *Nis.* III, 70-78.

(7) Entering the nunnery in an improper way or keeping the requisites in the path of the nuns — *m.p.u.*

— *Nis.* IV, 24.

(8) Creating new quarrels or re-raising old pacified ones — *m.p.u.*

— *Nis.* IV, 25-26.

(9) Laughing with a wide open mouth — *m.p.u.*

— *Nis.* IV, 27.

(10) For making sounds through the mouth, teeth, lips, nose, armpits, hands, nails, fruits etc. — *m.p.u.*

— *Nis.* V, 36-59.

(11) For practising masturbation, moving the penis by means of a piece of wood, pressing it, massaging it with oil or ghee, cleaning it with water, spraying powder over it, cutting it; trying to ejaculate semen — *māsiyaṁ parihāraṭṭhāṇaṁ aṇugghāiyaṁ.*

— *Nis.* I, 1-9.

(12) Dispelling the smoke in the house by requesting a heretic or householder — *m.p.a.*

— *Nis.* I, 57.

(13) Sitting or sleeping over a place which is full of living beings or which is unstable — *c.p.u.*

— *Nis.* XIII, 1-11.

(14) For wearing garlands or girdles or decorative clothes or furs or skins out of curiosity — *c.p.u.*

— *Nis.* XVII, 3-14.

(15) Looking at one's reflection in mirror or in a bead or in oil or in fat etc. — *c.p.u.*

— *Nis.* XIII, 30-41.

(16) Telling (of one's own accord) one's own qualifications for the post of an *ācārya* — *c.p.u.*

— *Nis.* XVII, 133.

(17) Seeing, pondering over or getting attracted towards woodwork, sculpture, books, ivory-work, jewel-work; beautiful wells, tanks; large festivals; horse-plays, elephant-plays; horse-fights, buffalo-fights, etc., any scenes of merry-making, scenes of quarrel or places where persons of all ages sing or dance putting on ornaments or fineries — *c.p.u.*

— *Nis.* XII, 16-28.

(18) Breaking the vow of '*pratyākhyāna*' frequently — *c.p.u.*

— *Nis.* XII, 3.

(19) Pondering over the feet of women when they are going or coming — *c.p.a.*

— *Nis.* IX, 8-9.

(19a) Causing a heretic or the owner of the lodge to stitch the *saṁghāḍī* of a nun — *c.p.u.*

— *Nis.* XII, 7.

(20) If the monk pondered over a nun — *laghumāsa.*

(21) If he desired to see her again — *gurumāsa.*

(22) If he got fever due to this desire — *catvāro māsāḥ laghukāḥ.*

(23) If he got fever due to this desire — *catvāro māsāḥ.*

(24) — had burning sensation — *ṣaṇmāsā laghavaḥ.*

(25) — had no taste for food — *ṣaṇmāsā guravaḥ.*

(26) — had swooning — *cheda.*

(27) — had hysteria — *mūla.*

(28) — lost understanding — *anavasthāpya.*

(29) — died — *pārāñcika.*

— *Bṛh. kalp. bhā.* III, 2258-62.

(30) One who maintained his livelihood by practising medicine and astronomy and became a servant of the king — *mūla.*

— *Angd.* 7, 55, *comm.*

(31) One who did not follow properly the '*vratas*' due to sway of passions and thus brought shame to the *Saṁgha* — *mūla.*

— *Angd.* 7, 55 *comm.*

(32) One of lax morals, lazy in study and ignorant of scriptures — *mūla.*

— *Angd.* 7, 55 *comm.*

(33) Violation of any of the *mūlavratas* — *śraddhāna.*

— *Angd.* 7, 57 *comm.*

(34) Condemnation of the *Tīrthaṅkaras, gaṇadharas, gaṇins,* the *āgama,* or *saṁgha* — *pārāñcika.*

— *Angd.* 7. 56 *comm.*

(35) Enjoying a queen, behaving against a king — *pārāñcika.*

— *Angd.* 7, 57 *comm.*

(36) Using complete, new, washed, or dyed pieces of garments for the sake of attracting women; or eating *vikṛitis* for the above purpose; making or wearing garlands of various materials for the above purpose, or using excellent blankets, skins of deer, camel etc., or garments so soft cotton or gold-embroidered clothes — *c.p.a.*

— *Nis.* VII, 1-12.

(37) Telling stories at odd times in the company of women — *c.p.a.*

— *Nis.* VIII, 10.

(38) Indulgence in sexual intercourse by a monk or a nun with opposite counterparts created by gods by magic — *c.p.a.*

— *Kalp.* V, 13-14.

(39) Stealing something belonging to the member of one's own sect — *anavasthāpya.*

— *Kalp.* IV, 3.

(40) Stealing something of one belonging to other sect — *anavasthāpya.*

— *Ibid.*

(41) Striking somebody with the fist — *anavasthāpya.*

— *Ibid.*

(42) for a criminal — *pārāñcika.*

(43) for a careless fellow — *pārāñcika.*

(44) for a sodomite — *pārāñcika.*

— *Kalp.* IV, 2.

RESIDENCE

(1) If a monk goes to another place either for study or sleep without the permission of the superior — *cheya* or *parihāra.*

(2) Staying in a residence which contains liquor or sour barley gruel, or a vessel with cold or warm water, or where a torch burns thoughout the night — *santarā cheya* or *parihāra.*

(3) Not accommodating a co-religionist when space is sufficient — *c.p.u.*

(4) Accepting lodging in condemned families — *c.p.u.*

— *Nis.* XVI, 29.

(5) Making a known or an unknown person stay in the monastery either for a full night or for half a night — *c.p.a.*

— *Nis.* VIII, 12.

(6) Staying out for more than three days — *c.p.a.*

— *Nis.* X, 13.

(7) One who was attached to a particular residence and stayed there with lax behaviour — *mūla.*

— *Angd.* VII, 55, *comm.*

(8) If a bhikkhu stayed in a place full of seeds then — *laghuko māsa tapasā kālena ca laghukaḥ.*

(9) — *vasaha* — *l.m., kālena gurukaḥ.*

(10) — *uvajjhāya* — *l.m., tapasā gurukaḥ.*

(11) — *āyariya* — *l.m., tapasā kālena ca gurukaḥ.*

— *Bṛh. kalp. bhā.* IV, 3304.

(12) If the ācārya, while on tour, did not consult the members of his party regarding a proper residence — then *māsalaghu*.

— *Ibid.* II, 1456-63.

(13) One who was attached to a particular residence and stayed there with lax behaviour — *mūla*.

— *Angd.* 7, 55, *comm.*

(14) For accepting a residence previously occupied by heretics or that which was originally built by the owner for himself and later on handed over to the monks — *catvāro laghukā*.

(15) For accepting a residence where sinful and fire-activity was frequently done for the Brāhmaṇas, or that which was specially built for the monks, or that which was built for a particular sect of monks — *catvāro guravaḥ*.

— *Bṛh. kalp. bhā.*, II, 1456ff.

FOOD AND BEGGING

Begging

(1) For begging food twice in a day — *māsalaghu*.
(2) For begging food thrice — *māsaguru*.
(3) For begging food four times — *caturlaghu*.
(4) For begging food five times — *caturguru*.
(5) For begging food six times — *ṣaḍlaghu*.
(6) For begging food seven times — *ṣaḍguru*.
(7) For begging food eight times — *cheda*.
(8) For begging food nine times — *mūla*.
(9) For begging food ten times — *anavasthāpya*.
(10) For begging food eleven times — *pārāñcika*.

— *Brh. kalp. bhā.* II, 1697-1700

Food

Udgama faults:

(1) *ādhākarma* — *catvāro gurukāḥ*
(2) *auddeśika* — *catvāro gurukāḥ*
(3) *miśra* — *catvāro gurukāḥ*
(4) (*Bādara*) — *catvāro gurukāḥ*.

(5) *abhyāhṛta* — *catvāro gurukāḥ.*
(6) *kṛta* — *māsaguru.*
(7) *pūtika* — *māsaguru.*
(8) *adhyavapūraka* — *māsaguru.*
(9) *sthāpita* — *māsalaghu.*
(11) *prāmitya* — *māsalaghu.*
(12) *krīta* — *māsalaghu.*
(13) *parivartita* — *māsalaghu.*
(14) *svagrāma abhyāhṛta* — *māsalaghu.*
(15) *pihita* — *māsalaghu.*
(16) *mālāpahṛta* — *māsalaghu.*
(17) *itvara sthāpita* — *pañcarātrindināni.*
(18) *sūkṣmaprābhṛtikāyam* — *pañcarātrindināni.*

For the rest of the *udgama doṣas* — *catvāro laghukāḥ.*

Utpādana faults:

(1) *nimitta* — *catvāro gurukāḥ.*
(2) *māyāpiṇḍa* — *māsaguru.*
(3) *cikitsāpiṇḍa* — *laghuko māsaḥ.*
(4) *vacanasaṁstava* — *laghuko māsaḥ.*
(5) *mūla* — *laghuko māsaḥ.*
(6) For the rest — *catvāro laghukāḥ.*
(7) accepting food from a leper or an eunuch — *catvāro laghukāḥ.*

Eṣaṇā faults:

(1) *lipta* — *pañcarātrindināni.*
(2) *lipta* with articles like wine, flesh, excreta — *catvāro laghukāḥ.*
(3) *lipta* with oil, ghee etc. — *catvāro laghukāḥ.*
(4) *purekarma* — *catvāro laghukāḥ.*
(5) *paścātkarma* — *catvāro laghukāḥ.*
(6) accepting food containing powdered bulbs, roots, etc. — *māsalaghu.*
(7) accepting food from a leper or an eunuch — *catvāro laghukāḥ.*

(8) accepting food from one who is spinning, cutting or pounding — *māsalaghu.*

(9) eating in excess — *catvāro laghavaḥ.*

(10) eating with hatred — *catvāro laghavaḥ.*

(11) eating *sadhūma* — *catvāro laghavaḥ.*

(12) eating *niṣkāraṇa* — *catvāro laghavaḥ.*

(13) eating food in the festival of heretics — *caturlaghavaḥ*

(14) taking with permission a fruit belonging to a heretic — *caturguru.*

(15) -do- a *bhogika* — *ṣaḍlaghu.*

(16) -do-a *vaṇik* — *ṣaḍguru.*

(17) taking with permission a fruit belonging to the *goṣṭhī* — *cheda.*

(18) -do- the householder — *mūla.*

(19) -do- the policeman — *anavasthāpya.*

(20) -do- the king — *pārāñcika.*

— *Bṛh. kalp. bhā.*, I, 532ff.; V, 5089; II, 906.
— *Jīt.*, 1087ff.

(21) going to one's relatives for alms without the permission of the thera — *santarā cheya* or *parihāra.*

— *Vav.* VI, 1.

(22) going to the condemned families for alms without knowing anything about them (beforehand) or without asking (them)—*m.p.u.*

— *Nis.* IV, 22.

(23) requesting a heretic for food — *m.p.u.*

— *Nis.* III, 1-12.

(24) visiting the same house twice for alms — *m.p.u.*

— *Nis.* III, 13.

(25) accepting food or drink in new settlements, villages, iron-mines, copper-mines, lead-mines, gold-mines or jewel-mines — *m.p.u.*

— *Nis.* V, 34-35.

(26) eating that which is not given to or by the *ācārya* — *m.p.u.*

— *Nis.* IV, 20.

(27) eating only the good items of food and depositing the rest elsewhere — *m.p.u.*

— *Nis.* II, 43-49.

(28) for accepting a raw fruit in a settlement, *catvāro laghavaḥ.*

(29) -do- in a *pāṭaka* — *catvāro guravaḥ.*

(30) -do- in a row of houses — *ṣaḍlaghavaḥ.*

(31) -do- in a village — *ṣaḍguravaḥ.*

(32) for accepting a raw fruit at the gates of a village — *cheda.* . .

(33) -do- outside the village — *mūla.*

(34) -do- at the boundary of a village — *pārāñcika*

— *Bṛh. kalp. bhā.* I, 786.

(35) eating food in the vessels of a householder — *c.p.u.*

— *Nis.* XII, 10-13.

(35) seeking common alms together and then dividing it in the company of one who is undergoing the *parihāra-tapa* — *m.p.u.*

— *Nis.* IV, 112.

(36) receiving food in the first *porisī* of the day and keeping it up to the fourth *porisī* and then eating it or giving it to somebody else — *c.p.u.*

— *Kalp.* IV, 11.

(37) buying, exchanging or making somebody to buy or exchange or bring on credit or accepting bought *vikṛitis* — *c.p.u.*

— *Nis.* XIX, 1-4.

(38) accepting food brought from the terrace or granary or by breaking the seal; or that placed on living beings; or that, being hot, is being fanned by hand, fan, cloth-end or by mouth; accepting hot food; accepting a wash of rice, sesamum etc. — *c.p.u.*

— *Nis.* XVII, 123-32.

(39) accepting food or drink or eatables or chewables from condemned families — *c.p.u.*

— *Nis.* XVI, 27.

(40) *obtaining* food by *acting* as a nurse, or messenger or astrologer or beggar or doctor; getting food out of anger, pride, deceit or greed; acquiring food through magic, spells or incantations — *c.p.u.*

— *Nis.* XIII, 60-74.

(41) accepting food in a boat — *c.p.u.*

— *Nis.* XVIII, 17-20.

(42) seeking alms beyond the limit of half a yojana — *c.p.u.*

— *Nis.* XII, 31.

(43) accepting food or drink offered by the householder by first doing a sinful activity (*purekaḍa*), *or offered with a hand, a pot or a ladle wet with* cold water — *c.p.u.*

— *Nis.* XII, 14-15.

(44) praising night-meal or eating food acquired by day at night and vice versa — *c.p.a.*

— *Nis.* XI, 73-77.

(45) accepting food from those of non-vegetarian habits or those who are about to start on or return from pilgrimage — *c.p.a.*

— *Nis.* IX, 10-17.

(46) accepting royal food, or food meant for the beasts, horses, elephants; food for the ill or for the guest; food meant to be distributed in famine, food taken out for the royal persons or for the actors, wrestlers and such other people; food for caretakers of horses, elephants, peacocks, deer, etc.; or for those who bring under control horses, elephants etc.; food for those who massage (other's) body, or for the umbrella-bearers, or holders of weapons; or food for the

chamberlain or the door-keepers or the female servants in the harem — *c.p.a.*

— *Nis.* IX, 1-6; 20-28.

(47) accepting *nivedanā-piṇḍa* — *c.p.a.*

— *Nis.* XI, 81.

(48) accepting food full of living beings, or *ādhākarmika* food, or eating deliberately that food which involves major or minor faults —*c.p.a.*

— *Nis.* X, 5-6, 19-27.

(49) accepting food or drink from the kṣatriya kings when they are in the *uttara-sālā*, or in the horse-stable or in the elephant-stable or have gone to secret places, counsel halls or private apartments — *c.p.a.*

— *Nis.* VIII, 13-17.

(50) accepting food that is given up or which is meant for orphans and beggars — *c.p.a.*

— *Ibid.*

STUDY

(1) Omitting some words while reading — *māsalaghu.*

(2) transgressing the sequence of the *Tīrthaṅkaras* — *caturguru.*

(3) mixing or adding words — *māsalaghu.*

(4) having wrong faith — *caturlaghu.*

(5) transgressing the order of the guru — *caturguru.*

— *Bṛh. kalp. bhā.* I, 288-99.

(6) asking more than three questions regarding the *kālikaśruta* and more than seven questions regarding the *Diṭṭhivāya* — *c.p.u.*

— *Nis.* XIX, 8-12.

(7) not studying at four times; studying at an improper time; reading only the lower portions; reading in an indistinct tone; not reading the text in due sequence or reading only one out of two identical passages — *c.p.u.*

— *Nis.* XIX, 13-23.

REQUISITES

Skins

(1) using complete and intact pieces of skins or clothes — *māsiyaṁ parihāraṭṭhāṇaṁ ugghāiyam.*
— *Nis.* II, 22-24.

Broom

(2) obtaining the returnable *pāyapuñchaṇa* on the condition of returning it the same night, but returning it the next day; or returning it the same night when promised to return it the next day — *m.p.u.*
— *Nis.* V, 15-16.

Bedding

(3) taking out the returnable bedding or that owned by the householder without his consent; or not searching the lost bedding, or not scanning the requisites — *m.p.u.*
— *Nis.* II, 50-59.

Sticks

(4) making, using or enjoying raw, coloured or variously coloured wooden, bamboo or cane sticks — *m.p.u.*
— *Nis.* V, 25-33.

Broom

(5) using a broom which is bigger in measurements; or having fine thread-ends for it; giving one tie to the broom; giving more than three ties to the broom; binding it in a *kaḍūsaga* way, holding it loosely; keeping it as a pillow; breaking it — *m.p.u.*
— *Nis.* V, 67-77.

Bowl

(6) expanding the mouth of the pot; binding it improperly; using a pot with many ties for more than one and a half months — *m.p.a.*

— *Nis.* I, 41-45.

(7) exchanging the alms-bowl without the consent of the *gaṇin;* not giving it to him who is unable to procure one — *c.p.u.*

— *Nis.* XIV, 1-48.

(8) discolouring a coloured pot and vice versa; polishing it with oil, ghee or butter; coating it with powder or paint, washing it with water so as to give it a new appearance — *c.p.u.*

— *Ibid.*

(9) frequently demanding a bowl in the congregation by getting up — *c.p.u.*

— *Ibid.*

(10) for him who sent a person who had not studied the rules about the begging of the alms-bowl, to bring the coating for a pot — *catvāro gurukāḥ.*

(11) -do- who had studied it but did not remember the details about it — *catvāro laghukāḥ.*

(12) for coating the pot without the permission of the *ācārya* — *māsalaghu.*

(13) for not taking the permission of the cart-owner for oil — *māsalaghu.*

(14) for taking oil at night and using it at night — *catvāro laghukāḥ.*

(15) for taking oil at dew-fall or when bulls or calves are tied to the cart — *catvāro laghukāḥ.*

(16) for taking oil when a dog is sitting below the cart — *catvāro gurukāḥ.*

(17) for coating the pot for decoration — *catvāro gurukāḥ.*

(18) accepting a mediocre pot when decided to accept the best — *māsika.*

(19) determining to accept the inferior one but accepting the mediocre — *māsika.*

(20) for accepting an inferior pot when decided to accept the best — *pañcaka.*

(21) for determining to accept a mediocre pot but accepting an inferior one — *pañcaka.*

(22) for determining to accept a mediocre one, but accepting the best — *caturlaghu.*

(23) for determining to accept the inferior one but accepting the best pot — *caturlaghu.*

— *Bṛh. kalp. bhā.* I, 471-529.

Seat

(24) carrying the seat of the householder — *c.p.u.*

— *Nis.* XII, 10-13.

CLOTHING

(1) for transforming the best piece of cloth into a medium type — *māsalaghu.*

(2) -do- into an inferior one — *pañcarātrindiva.*

(3) -do- a mediocre one into the best type — *caturlaghu.*

(4) -do- into *jaghanya* — *pañcarātrindiva.*

(5) -do- an inferior one into the best — *caturlalaghu.*

(6) -do- into medium type — *māsika.*

(7) for accepting a piece of cloth worth Pāṭaliputra rupees 18 — *catvāro laghavāḥ,* or *laghumāsa,* or *caturguru.*

(8) do — rupees 20 — *catvāro laghavaḥ or ṣaḍlaghu*

(9) — do — rupees 49 — *ṣaḍlaghavaḥ*

(10) — do — rupees 50 — *ṣaḍguru* -

(11) — do — rupees 100 — *cheda*

(12) — do — rupees 250 — *ṣaḍlaghavaḥ*

(13) — do — rupees 500 — *ṣaḍguravaḥ*

(14) — do — rupees 999 — *cheda*

(15) — do — rupees 1000 — *cheda* or *mūla*.
(16) — do — rupees 10000 — *mūla*
(17) — do — rupees 50000 — *anavasthāpya*
(18) — do — rupees 100000 — *pārāñcika*

— *Bṛh.kalp.bhā.* IV, 3893-98.

(19) for wearing a garment like a turban — *māsalaghu*.

(20) for so arranging the garment on the shoulder that it hangs down like a cow's tail—*māsalaghu*

(21) for covering both the shoulders like a nun — *catvāro laghavaḥ*.

(22) for so arranging the ends of the upper garment on the shoulders that it appears like the garuḍa bird — *catvāro gurumāsāḥ*.

(23) for putting on the dress like that of a householder — *mūla*.

(24) putting on the clothes of a householder — *c.p.u.*

— *Nis.* XII, 11.

(35) exchanging clothes without the consent of the *gaṇin* — *c.p.u.*

— *Nis.* XVIII, 21-64.

(26) colouring an uncoloured cloth and vice versa — *c.p.u.*

— *Ibid.*

(27) getting the *saṁghāḍi* of a nun stitched by a heretic or the owner of the lodge — *c.p.u.*

— *Nis.* XII, 7.

TOURING

(1) crossing or swimming the following five great rivers twice or thrice within a month — *Gaṅgā, Jaüṇā, Saraü, Erāvaī, Mahī* — *c.p.u.*

— *Nis.* XII, 42.

(2) getting into the boat with bad intentions; buying, selling, bringing on credit or exchanging the boat, or making others to do so; pushing the boat into water from the ground or vice

versa; helping in taking out a grounded boat; working as a helmsman; getting into a boat which is going up or down the stream; pulling or stopping the boat by a rope; taking out water from the boat by either a pot or an alms-bowl or an earthen vessel; covering the hole in the boat by means of hand, foot, leaves and bamboo in order to stop water getting in; accepting food in the boat — *c.p.u.*

— *Nis.* XVIII, 1-20.

(3) touring during regular rains — *c.p.a.*

— *Nis.* X, 40-43.

(4) frequently entering into or coming out of inimical, anarchical or rebellion-infected regions, or approving of anybody else doing so — *c.p.a.*

— *Nis.* XI, 71; *Kalp.* I, 38.

(4a) one who wandered alone and condemned the law of the Jina — *mūla.*

— *Angd.* VII, 55, *comm.*

(5) if out of attachment for a place, a party of monks stays there for more than eleven days, then *pārāñcika.*

— *Bṛh.kalp.bhā.* II, 1555-59.

(6) if a *gītārtha* wandered alone — *caturlaghu.*

(7) if an *agītārtha* wandered alone — *caturguru.*

— *Bṛh.kalp.bhā.* I, 694-5.

(8) for touring with a heretical nun in a woman's dress at day time — *laghukaccheda*

(9) — do — with an eunuch — *gurukaccheda*

(10) — do — at night — *mūla*

(11) — do with a Jaina nun at day — *anavasthāpya.*

(12) — do —with a Jaina nun at night — *pārāñcika.*

— *Bṛh.kalp.bhā.*, II, 886-88.

(13) resorting to a short cut by day — *māsalaghu*

(14) — do — at night — *māsaguru*

(15) walking carelessly at day — *māsalaghu*

(16) — do — at night — *māsaguru*

(17) one who wandered alone and condemned the law of the Jinas — *mūla*.

— *Angd.* 7, 55, *comm.*

PENANCE

(1) if a monk, going out of the *gaṇa* for the sake of practising the '*egallavihārapaḍimā*', returns without completing it, — *cheya* or *parihāra*

— *Vav.* I, 25.

DEATH

(1) praising the types of death which are designated as '*bālamaraṇa*' — *c.p.a.*

— *Nis.* XI, 92.

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